BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 616256	§	
issued to MARISSA D. SUNNANON	§	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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MARISSA D. SUNNANON, Registered Nurse License Number 616256, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 26, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 Mary Chiles College, Manila, Philippines on March 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on June 2, 1995.

5. Respondent's nursing employment history includes:

5/1988 - 3/1990	Staff Nurse Operating Room	St. Teresita General Hospital Quezon City, Philippines

Respondent's nursing employment history continued:

4/1990 - 12/1993	Staff Nurse Operating Room	Rafha Government Hospital Kingdom of Saudi Arabia
1/1994 - 7/1995	Unknown	
8/1995 - 8/1999	Staff Nurse Home Care	Braeswood Personal Care Homes Inc. Houston, Texas
11/1998 - 10/2002	Home Health Nurse	Allied Health Services Houston, Texas
8/2000 - 12/2001	Staff Nurse Operating Room	Memorial Hermann, Memorial City Houston, Texas
1/2002 - 3/2005	Staff Nurse Operating Room	Ben Taub Hospital Houston, Texas
4/2005 - 6/2005	Unknown	
7/2005 - 12/2005	Home Health Nurse	Maxim Healthcare Services Houston, Texas
10/2005 - 4/2007	Staff Nurse Operating Room	Twelve Oaks Medical Center Houston, Texas
4/2006 - 4/2007	Staff Nurse Operating Room	Park Plaza Hospital Houston, Texas
4/2007 - 7/2009	Staff Nurse Operating Room	Lyndon B. Johnson General Hospital Houston, Texas
8/2009 - present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Harris County Hospital District at Lyndon B. Johnson General Hospital, Houston, Texas, and had been in this position for two (2) years and one (1) month.

7. On or about May 15, 2009, while employed as a Staff Nurse with Harris County Hospital District at Lyndon B. Johnson General Hospital, Houston, Texas, Respondent failed to notify the surgical team prior to the start of surgery that Patient PL had not consented to a below the knee amputation. As a result, the patient underwent a below the knee amputation, instead of the sharp debridment, incision and drainage of left foot abscess that the patient had given consent for. Although Respondent directed the surgeon to the consent form, which stated, "No below knee amputation" in the right margin, the surgeon proceeded to amputate the left lower extremity without further objection from Respondent. Respondent's conduct resulted in injury to the patient in that the patient PL's left lower leg was amputated against the patient's wishes and without the patient's consent.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she did inform the surgeon that the consent form stated, "No below knee amputation," and that the surgeon spoke to the patient and then proceeded with the amputation.

9. On or about July 1, 2009, while employed as a Staff Nurse with Harris County Hospital District at Lyndon B. Johnson General Hospital, Houston, Texas, Respondent failed to report to her supervisor and management that the consent form signed by Patient MR#07442175 indicated that the surgical procedure would be performed on the left arm when in fact it was the patient's right arm that was prepared for surgery. After Respondent informed the surgeon that the consent form indicated a left arm procedure, the surgical team conducted a search of the medical records, which revealed another consent form signed June 29, 2009, for a right arm surgical procedure. The assigned surgeon decided to proceed with the surgical procedure without an accurate or correctly signed consent form. Respondent failed to advocate for patient safety by insisting the surgical procedure be delayed or notifying her supervisor and management so they could intervene and ensure that the correct surgical procedure was identified. Respondent's conduct placed the patient at risk of undergoing a surgical procedure on the incorrect extremity.

10. In response to the incident in Finding of Fact Number Nine (9), Respondent states there were two (2) consents on the medical record and she questioned both the surgeon and nurse anesthetist if the consent was correct and they both told her it was. Respondent states she believed the staff in the pre-op area had done their job correctly, and that the resident and nurse anesthetist had checked the consent for correctness.

11. The Board finds there were mitigating circumstances in regard to Finding of Fact Number Nine (9), in that the Operating Room staff was aware that the consent document was incorrect but all agreed to proceed with the correct procedure on the arm indicated by the patient, and there was no adverse outcome to the patient.

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 violations of Sections 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A), (B), (M), (N) & (P) and 22 TEX. ADMIN. CODE §§217.12(1)(A) & (B) and (4).

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 616256, heretofore issued to MARISSA D. SUNNANON, 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 is 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 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 AND RESPONDENT MUST WORK IN SUCH 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 THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) 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 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 to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 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 07 day of Sept, 2010.

Marissa D. Sunnanon

MARISSA D. SUNNANON, Respondent

Sworn to and subscribed before me this 7th day of Sep, 2010.

SEAL

Notary Public in and for the State of TEXAS

MILIND PATEL
My Commission Expires
August 28, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the _7th_day of September, 2010, by MARISSA D. SUNNANON, Registered Nurse License Number 616256, and said Order is final.

Effective this 21st day of October, 2010.

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