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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 142050	§	
issued to MARIA DE JESUS ALFARO	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARIA DE JESUS ALFARO, Vocational Nurse License Number 142050, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 4, 2010, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Practical Nursing from Clovis Community College, Clovis, New Mexico, on May 9, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1993.

5. Respondent's vocational nursing employment history includes:

1993 - 1999	Staff Nurse	Muleshoe Area Home Health Muleshoe, Texas

Respondent's vocational nursing employment history continued:

4/96 - 8/00	Staff Nurse	Park View Nursing Care Center Muleshoe, Texas
9/00 - Present	Office Nurse	Dr. Jobey Claburn Muleshoe, Texas
5/07 - 11/07	Charge Nurse Part-Time	Park View Nursing Care Center Muleshoe, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse, Part-Time, with Park View Nursing Care Center, Muleshoe, Texas, and had been in this position for six (6) months.

7. On or about November 16, 2007 through November 17, 2007, while employed as a Charge Nurse, Part-Time, with Park View Nursing Care Center, Muleshoe, Texas, Respondent failed to accurately assess and timely intervene when Patient Medical Record Number 069 was experiencing significant changes in his condition which included signs of pain and agitation. Respondent did assess the patient's vital signs, which revealed an elevated temperature of 103 and a Tylenol Suppository was administered. However, Respondent failed to recognize that the patient's elevated pulse rate (148) and the elevated respiratory rate (40) were signs of pain and agitation. Furthermore, Respondent failed to notify the Hospice Nurse of the patient's change in condition. Respondent's conduct delayed medical interventions needed to relieve the patient's pain and agitation.

8. On or about November 16, 2007 through November 17, 2007, while employed as a Charge Nurse, part-time, with Park View Nursing Care Center, Muleshoe, Texas, Respondent failed administer and/or document administration of medications to the patients, as follows:

DATE	PATIENT	PHYSICIAN'S ORDERS	MEDICATION ADMINISTRATION RECORDS	DOCUMENTATION
11/16/07	069	Morphine Elixir (20mg/ml) give 2 mg PO/SL every 4 hours scheduled	Doses due at 2400 and 0400	No documentation that medication was given on MAR or Nurses Notes.
11/6/07	001	Vancomycin 500 mg i PO every 6 hours x 10 days.	Doses due at 2400 and 0600	Medication is initialed as being administered then circled.
11/8/07	"	Ativan 0.5 mg PO every 6 hours scheduled	Doses due at 2400 and 0600	No documentation on MAR that medication was administered or held.

Respondent's conduct resulted in an inaccurate, incomplete medical record, and as was likely to injure the patients in that subsequent care givers would rely on her documentation in order to provide further patient care.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that on November 16, 2007, she was the only licensed personnel on duty. Only two (2) of the three (3) nurses aides scheduled actually reported to provide care for the fifty (50) patients at this facility. Respondent asserts that she properly assessed and attended to Patient Medical Record Number 069 as reflected by her notation that he was running an elevated temperature and that she administered a Tylenol Suppository. Respondent admits that she did not administer oral medications, including the Morphine Elixir, because he was experiencing difficulty swallowing and there was the potential for aspiration. Respondent denies the allegations. Respondent denies that she failed to administer medications to Patient Medical Record Number 001 stating that she had always been very diligent to properly initial the Resident's Medication Administration Record (MAR); however, on this date, with the short-handed staff, she was not able to properly document the MAR.

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 Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(N),(1)(P)&(2)(A) and 217.12(1)(A),(1)(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 142050, heretofore issued to MARIA DE JESUS ALFARO, including revocation of Respondent's license 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 REMEDIAL EDUCATION, 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 physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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*

(3) 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.*

(4) 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, 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 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 6 day of August, 2010.

Maria de Jesus Alfaro

MARIA DE JESUS ALFARO, Respondent

Sworn to and subscribed before me this 6th day of August, 2010.

SEAL NOTARY PUBLIC STATE OF TEXAS
Peggy A Phariss
My Commission Expires
03/20/2012

Peggy A Phariss

Notary Public in and for the State of Texas

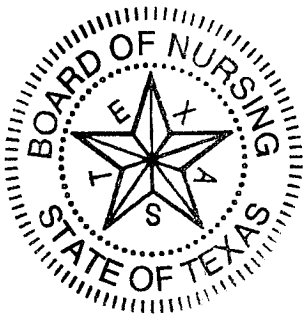
Approved as to form and substance.

Anna McKim

Anna McKim, Attorney for Respondent

Signed this 6th day of August, 2010.

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 6th day of August, 2010, by MARIA DE JESUS ALFARO, Vocational Nurse License Number 142050, and said Order is final.



Effective this 16th day of August, 2010.

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