

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 686450 §
issued to ROSARIO FLORES GUINTO § ORDER



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.
Patricia Thomas
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ROSARIO FLORES GUINTO, Registered Nurse License Number 686450, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on May 18, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel. Respondent was represented by Joyce Stamp Lily, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Dominique Mackey, Investigator; and Nancy Krause, RN, 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.
2. Respondent waived notice and hearing, and consented 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 Dr. Carlos Lanting College, Queszon City, Phillipine Islands in October of 1992. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 2002.

5. Respondent's nursing employment history includes:

10/1992 - 6/2002	Unknown	
7/2002-4/2003	Staff Nurse	Rio Grande Regional Hospital McAllen, Texas
7/2002-3/2006	Private Duty Nurse	Good Health Provider Houston, Texas
4/2003-6/2003	Agency Nurse	Stat Med Inc. Houston, Texas
7/2003-2006	Staff Nurse	Tomball Regional Hospital Tomball, Texas
7/2003-2003	Float Nurse	Memorial Herman Premier Staffing Houston, Texas
4/2006-1/2007	Staff Nurse	St. Luke's Episcopal Hospital Woodlands, Texas
11/2006-Present	Staff Nurse	Emergency Health Care Center Houston, Texas
9/2006 - Present	Staff Nurse	Methodist Willowbrook Hospital Houston, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with St. Luke's Episcopal Hospital, The Woodlands, Texas, and had been in this position for seven (7) months.

7. On or about November 6, 2006, while employed at St. Luke's Episcopal Hospital, Houston, Texas Respondent failed to assess and intervene in a timely manner, including administration of pain medication, when Patient Number 02484287 complained of post-operative pain. The patient did not receive pain medication between 21:15 p.m. and 05:03 a.m. and a pain assessment was not documented. Respondent's conduct was likely to injure the patient in that the patient unnecessarily suffered post-operative pain and discomfort.

8. In response to the incidents in Findings of Fact Number Seven (7), Respondent states that, regarding the failure to intervene when Patient Number 02484287 experienced post-operative pain, she was unable to administer the ordered pain medication because it was not available from the Pyxis Medication Dispensing System because the pharmacy had not entered the orders for the Morphine and Darvocet-N 100 in the computer system. Respondent states she did notify her charge nurse and she did call the pharmacy twice but was unable to obtain the medication in a timely manner related to the computer system issues.
9. On or about December 27, 2006, through December 28, 2006, while employed at St. Luke's Episcopal Hospital, Houston, Texas, Respondent failed to administer the parenteral nutrition supplement, Procalamine, to Patient Number 0635100354, as ordered, and did not notify the physician of the omitted dose. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-
efficacious treatment.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states that the patient had previously refused the Procalamine and that because the physician had been made aware of it earlier, she did not want to disturb the physician late at night with the repeated situation.
11. On or about December 28, 2006, through January 2007, while employed at St. Luke's Episcopal Hospital, Houston, Texas, Respondent crossed the boundaries of the appropriate nurse/client relationship in that after having been placed on administrative leave regarding care of the aforementioned Patient Number 0635100354, Respondent telephonically contacted the patient at home. Previously, Respondent had asked the Nursing Supervisor to accompany her to the patient's room to discuss the issues of his medications and nursing care. Respondent exchanged telephone numbers with the patient and the patient's wife complained to the hospital that Respondent had placed a telephone call to their home after the patient was discharged. Respondent conduct was likely to injure the patient in that it could have resulted in confusion regarding the care the patient received and the care the nurse delivered.
12. In response to the incident in Finding of Fact Number Eleven (11), Respondent states that she had asked her manager to contact the patient regarding who had disconnected his Procalamine, and when the nurse manager refused, Respondent went to her immediate supervisor and requested that he question the patient and they went together to the patient's room. Respondent states that she did return a phone call to the patient at home, after his discharge, at his invitation.
13. Respondent has provided two (2) recent letters of recommendation from current supervisors, Kathy Urdaneta, and Malissa Aing. Also, Respondent submits a current employment evaluation from her employer, Emergency Health Care at Willowbrook, indicating Respondent's current nursing practice exceeds their expectations and standards.

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)(B)(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(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 686450, heretofore issued to ROSARIO FLORES GUINTO, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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 a course in medication administration. 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. The didactic portion of this course shall be a

minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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>.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in "Respecting Professional Boundaries," a 3.9 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/03fbf38973/summary>.*

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.

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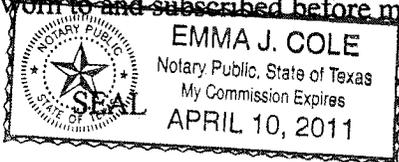
RESPONDENT'S CERTIFICATION

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of June, 2010.

Rosario Flores Guinto
ROSARIO FLORES GUINTO, RESPONDENT

~~Sworn to and subscribed before me~~ this 9 day of JUNE, 2010.



Emma J. Cole

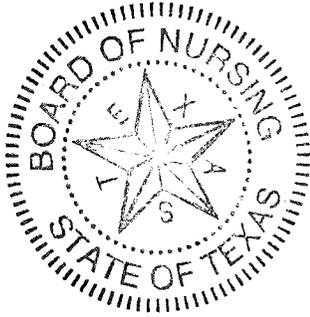
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Joyce Stamp Lily, Attorney for Respondent

Signed this _____ day of _____, 20____.

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 10th day of June, 2010, by ROSARIO FLORES GUINTO, Registered Nurse License Number 686450, and said Order is final.



Effective this 14th day of June, 2010.



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