BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 563415	§	
issued to ARTURO MARRUFO	§	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 B considered the matter of ARTURO MARRUFO, Registered Nurse License Number 563415, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(a)(2)&(9) TEX. REV. CIV. STAT.(effective September 1, 1989). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 25, 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.

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 West Texas A&M University, Canyon, Texas, on May 12, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's nursing employment history is unknown.

6. On or about December 11, 2000, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas that required Respondent to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), and once accepted, to comply

with all requirements of the TPAPN contract during its term. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 11, 2000, is attached and incorporated, by reference, as part of this Order.

7. On or about May 4, 1990, Respondent submitted a Registration by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

   "Have you ever been convicted of a crime other than minor traffic violations?"

   Respondent failed to disclose that on or about September 4, 1988, Respondent was arrested by the Amarillo Police Department, Amarillo, Texas for THEFT UNDER $20. The Respondent was subsequently convicted and ordered to pay a fine.

8. In response to Finding of Fact Number Seven (7), Respondent states he had put the incident behind him and when applying for his RN license, forgot to disclose it.

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 Article 4525(a)(2)&(9) TEX. REV. CIV. STAT. (effective September 1, 1989).

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 563415, heretofore issued to ARTURO MARRUFO, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH 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 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 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 pay a monetary fine in the amount of two hundred and fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) 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.

(2) 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 <u>not</u> 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.*

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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 nursing in the State of Texas, as a consequence of my noncompliance.

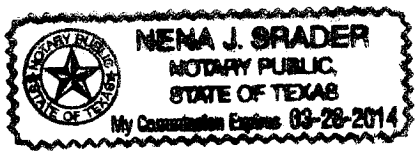
Signed this 14 day of April, 2011.

A. Marrufo

ARTURO MARRUFO, Respondent

Sworn to and subscribed before me this 14 day of April, 2011.

SEAL



Nena J Slader

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 14th day of April, 20 11, by ARTURO MARRUFO, Registered Nurse License Number 563415, and said Order is final.

Effective this 22nd day of April, 20 11.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 563415	§	AGREED
issued to ARTURO MARRUFO	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ARTURO MARRUFO, License Number 563415, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 25, 2000, 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.

2. Respondent waived representation by counsel, informal conference, 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 Bachelor of Science in Nursing from West Texas A & M University, Canyon, Texas, in May 1990, and was licensed to practice professional nursing in the State of Texas in August 1990.

5. Respondent's professional employment history includes:

8/90 - 7/99	Staff Nurse Baptist St. Anthony's Hospital Amarillo, Texas

Respondent's professional employment history continued:

7/99 - 3/00	Unknown
3/00 - 6/00	Staff Nurse, ER Hereford Regional Medical Center Hereford, Texas
6/00 - present	Unknown

6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Emergency Room at Hereford Regional Medical Center, Hereford, Texas, and had been in this position for two (2) months.

7. On or about May 1, 2000, through June 21, 2000, while employed at Hereford Regional Medical Center, Hereford, Texas, Respondent signed out controlled substances without a valid physician's order as follows:

Date/Time	Patient	Medication Withdrawn
5/1/00 @ 0030	38177	Demerol 100 mg
5/2/00 @ 0045	37279	Demerol 75 mg
5/7/00 @ 2200	40381	Demerol 75 mg
5/7/00 @ 0035	42491	Nubain 10 mg
5/9/00 @ 0200	33853	Demerol 75 mg
5/18/00 @ 2355	48491	Demerol 50 mg
5/23/00 @ 2155	5682	Demerol 75 mg
6/19/00 @ 2435	14018	Demerol 25 mg
6/21/00 @ 0145	125	Morphine 4 mg
6/21/00 @ 2130	5175	Tylenol elixir 5cc

Respondent's conduct was likely to injure the patients and placed the hospital in non-compliance with Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act).

8. On or about May 1, 2000, through June 21, 2000, while employed at the aforementioned facility, Respondent misappropriated Demerol, Nubain, Morphine, and Tylenol elixir belonging to the facility and the patients thereof. Respondent's conduct defrauded the facility and patients of the cost of the medications.

9. On or about May 1, 2000, through June 21, 2000, while employed at the aforementioned facility, Respondent engaged in the intemperate use of Demerol, Nubain, Morphine, and Tylenol elixir. Possession of Demerol, Nubain, Morphine and Tylenol elixir is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol, Nubain, Morphine and Tylenol elixir by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(19).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 563415, heretofore issued to ARTURO MARRUFO, including revocation of Respondent's professional license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

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ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED AND ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED, that this Order shall be applicable to Respondent's multistate privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate privilege to practice professional nursing in the State of Texas.

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 violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29th day of November, 20 00.

A. Marrufo

ARTURO MARRUFO, Respondent

Sworn to and subscribed before me this 29TH day of NOVEMBER, 20 00.

SEAL

AMY SPENCER
Notary Public, State of Texas
My Commission Expires
JAN. 28, 2003

Amy Spencer

Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 29th day of November, 2000, by ARTURO MARRUFO, License Number 563415, and said Order is final.

Entered and effective this 11th day of December, 2000.

Katherine A. Thomas

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