BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Registered Nurse | § | AGREED |
| License Number 583197 | § | |
| issued to MARY ELIZABETH KORTE | § | 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 MARY ELIZABETH KORTE, Registered Nurse License Number 583197, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 3, 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 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 Medical Branch-Galveston, Galveston, Texas, on May 1, 1992; and received a Master's Degree in Nursing from the Nurse Midwife Program at The University of Texas Medical Branch-Galveston, Galveston, Texas, on April 25, 1997. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992; became Board recognized as Nurse Midwife (CNM) in the State of Texas on July 17, 1997; and became Board recognized with Prescriptive Authority as a Nurse Midwife in the State of Texas on August 26, 2010.

5. Respondent's nursing employment history includes:

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| 6/92 - 9/97 | Staff Nurse<br>Labor/ Delivery | Lyndon B. Johnson Hospital<br>Houston, Texas |
| 10/97 - Present | CNM | University of Texas Health Science Center<br>Houston, Texas |

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a CNM with The University of Texas Health Science Center, Houston, Texas, and assigned to Harris County Hospital District Clinics, Houston, Texas, and had been in this position for twelve (12) years and nine (9) months.

7. On or about October 1997 through July 2010, while employed as a CNM with The University of Texas Health Science Center, Houston, Texas, and assigned to Harris County Hospital District Clinics, Houston, Texas, Respondent signed prescription drug orders and/or telephonically communicated prescriptions for patients without having prescriptive authority issued by the Board, as required. Respondent's conduct could have mislead pharmacies and the public who relied on her credentials and believed that she was practicing in accordance with the Texas Board of Nursing Rules and regulations regarding prescriptive authority.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent admits that she failed to submit documentation requesting prescriptive authority, adding that it was unintentional. Respondent explains that she became a Nurse Midwife in 1997 and although she failed to submit the required documents, she has practiced solely under physician delegated prescriptive authority with the direct supervision and direction of the delegating physician. Further, Respondent self-reported the violation to the Board.

## 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)&(4)(B) and 222.2(a)and 222.5.

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 583197, heretofore issued to MARY ELIZABETH KORTE, 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 pay a monetary fine in the amount of one thousand five hundred ($1,500.00) dollars. 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 have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the 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 2nd day of March, 20 11.

2011

Mary Elizabeth Korte

MARY ELIZABETH KORTE, Respondent

Sworn to and subscribed before me this 2nd day of March, 20 11.

SEAL

Iris I. Perez

Notary Public in and for the State of Texas

IRIS I. PEREZ
Notary Public, State of Texas
My Commission Expires
April 24, 2013

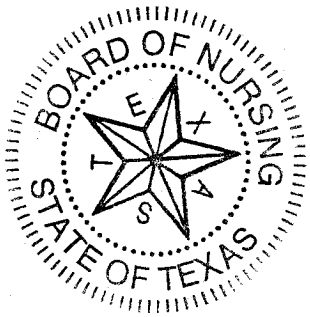
Approved as to form ~~and substance~~.

Doreen Z. Bartlett

Doreen Z. Bartlett, Attorney for Respondent

Signed this 4th day of March, 2011.

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 2nd day of March, 2011, by MARY ELIZABETH KORTE, Registered Nurse License Number 583197, and said Order is final.




Effective this 4th day of March, 2011.

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