BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 95039	§	
issued to ROSE MARIE G. GUERRA	§	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 Bo considered the matter of ROSE MARIE G. GUERRA, Vocational Nurse License Number 95039, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 17, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from St. Phillips College, San Antonio, Texas, on December 18, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1982.

5. Respondent's nursing employment history includes:

5/1982 - 11/1993	Unknown

Respondent's nursing employment history continued:

12/1993 - 2/1996	Charge Nurse	Our Lady of the Lake University San Antonio, Texas
3/1996 - 6/1996		Unknown
7/1996 - 5/1999	Charge Nurse	Sarah Roberts French Home San Antonio, Texas
6/1999 - 9/1999	Charge Nurse	Grand Court II Nursing Home San Antonio, Texas
10/1999 - 1/2004	Staff Nurse	Baptist Health System San Antonio, Texas
2/2004 - 2/2006	Staff Nurse	Reliastaff Nursing Agency - Hospice San Antonio, Texas
8/2004 - 2/2006	Staff Nurse	Nurses Etc. Nursing Agency - Hospice San Antonio, Texas
2/2006 - 8/2006	Staff Nurse	Southern Care Hospice San Antonio, Texas
8/2006 - 8/2007	Staff Nurse	Southern Care Hospice Fort Worth, Texas
8/2007 - 4/2008	Staff Nurse	Visiting Nurses Association Fort Worth, Texas
5/2008 - Present	Staff Nurse	Alpha Omega Hospice Hurst, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Visiting Nurses Association, Dallas, Texas, and had been in this position for seven (7) months.

7. On or about March 31, 2008, while employed as a Staff Nurse with Visiting Nurses Association, Dallas, Texas, Respondent failed to correctly fill the medication box for Client Number M30. Because Respondent based filling the medication box on the prescription bottles, rather than the current physician's orders, the client received Coumadin 7 mg (1mg in the morning and 6 mg in the evening), instead of only Coumadin 6 mg, as ordered. The error was discovered by another nurse the next day and corrected. Respondent's conduct was likely to injure the client from adverse reactions to Coumadin overdose, including possible hemorrhage.

8. On or about April 1, 2008, while employed as a Staff Nurse with Visiting Nurse Association, Dallas, Texas, Respondent failed to correctly fill the medication box for Client Number 5718, which resulted in the client's medication box being stocked with two (2) times the ordered dose of Lasix. Because Respondent based filling the medication box on the prescription bottles, rather than the current physician's orders, the client could have received Lasix 80 mg twice daily, instead of Lasix 40 mg twice daily, as ordered. Another nurse noticed and corrected the error prior to the client taking the medication. Respondent's conduct was likely to injure the client from adverse reactions to Lasix overdose, including dehydration and fluid and electrolyte imbalances.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent admits to the mistakes, stating that she was neither trained in departmental instructions nor provided with current files to complete her tasks.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(H)&(N).

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 95039, heretofore issued to ROSE MARIE G. GUERRA, 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 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 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 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 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 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 13th day of July, 2010.

Rose Marie G. Guerra

ROSE MARIE G.GUERRA, Respondent

Sworn to and subscribed before me this 13th day of July, 2010.

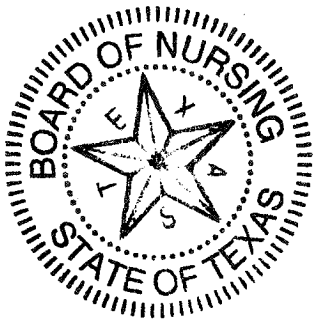
SEAL

NOTARY PUBLIC STATE OF TEXAS
SCOTT TUGGLE
Notary Public, State of Texas
My Commission Expires
April 20, 2014

Scott Tuggle

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 13th day of July, 2010, by ROSE MARIE G. GUERRA, Vocational Nurse License Number 95039, and said Order is final.



Effective this 19th day of July, 2010.

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