



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 P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse   §  
License Number 72435                   §  
issued to MARY M. RUIZ               §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 72435, issued to MARY M. RUIZ, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent holds a license to practice vocational nursing in the State of Texas which is in inactive status.
2. Respondent waived informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas on February 23, 1977. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 1977.
4. Respondent's vocational nursing employment history includes:

|                 |                  |   |
|-----------------|------------------|---|
| 5/1977 - 6/2004 | Unknown          |   |
| 7/2004 - 6/2005 | LVN Charge Nurse | Georgia Manor<br>Amarillo, Texas          |
| 8/2004 - 5/2005 | Staff Nurse      | Canterbury Villa of Baird<br>Baird, Texas |

Respondent's vocational nursing employment history continued:

|                 |                  |   |
|-----------------|------------------|---|
| 6/2007 - 4/2008 | LVN Charge Nurse | Ussery Roan Texas State Veteran Home<br>Amarillo, Texas |
| 5/2008 - 8/2008 | Unknown          |   |

5. At the time of the incident in Finding of Fact Numbers Six (6), and Eight (8), Respondent was employed as a staff nurse with Texas Nursing and Rehab of Amarillo, Amarillo, Texas and had been in this position for two (2) months.
6. On or about September 9, 2008, while employed at the Texas Nursing and Rehab of Amarillo, Amarillo, Texas, Respondent failed to appropriately assess and intervene in the care of Patient 0102198 when the patient experienced respiratory distress and elevated temperature, including;
  - Failed to advocate for the patient by insisting the physician be contacted even though patient's wife stated she did not want the physician contacted;
  - Failed to arrange for emergent transport of Patient 0102198 to an Emergency facility: and
  - Failed to notify the primary physician.Respondent's conduct was likely to cause injury to the patient in that patient did not receive efficacious treatment in a timely manner and the physician was denied information on which to base additional treatments that may have prevented the development of complications and the expiration of the patient.
7. In response to the incident in Finding of Fact Number Six (6) Respondent states the wife of Patient 0102198 informed Respondent that she was in the process of getting another physician because she was upset with the physician's assistant. At the direction of the Director of Nurses, Respondent contacted the physician's office and left messages the evening of 9/8/2008 and again the next day 9/9/2008. On the afternoon of September 9, 2008, the physician came to the facility and inquired about the patient's condition but seemed concerned about offending the primary physician and said he'd be back the next day and left. Respondent states she assessed the patient about 17:30 and found an elevated temperature of 103F, and administered Tylenol to the patient. Respondent states the patient was not in respiratory distress; however, she informed the patient's wife that if she wanted the patient taken to the hospital, she would request he be transferred.
8. On or about September 9, 2008, while employed at the Texas Nursing and Rehab of Amarillo, Amarillo, Texas, Respondent falsely documented contacting the Director of Nurses and Assistant Director of Nurses regarding the change in condition of Patient 0102198. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.

9. In response to the incident in Finding of Fact Number Eight (8), Respondent does not offer any mitigating circumstances.
10. On December 11, 2009, Respondent was offered a Proposed Agreed Order of the Board, but declined, related to Respondent's recent disability rendering her unable to fulfill the proposed stipulations. Respondent states she is legally blind and unable to work as a vocational nurse.
11. On February 5, 2010, Respondent returned Vocational Nurse License Number 72435 and submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated January 26, 2010, is attached and incorporated herein by reference as part of this Order.

### 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)(D)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(C),(4)&(6)(A)
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 72435, heretofore issued to MARY M. RUIZ, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 5th day of February, 2010.

TEXAS BOARD OF NURSING

By:



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



MARY M. RUIZ  
1003 S. Nance  
Amarillo, Texas 79104

Texas Vocational Nurse License #72435

Voluntary Surrender Statement

January 26, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Mary Ruiz

Date 1-27-07

Texas Nursing License Number 72435

Approved as to form and substance.

Darrell R. Carey  
Darrell R. Carey, Attorney for Respondent

Signed this 26<sup>th</sup> day of January, 2010

The State of Texas

Before me, the undersigned authority, on this date personally appeared Mary M. Ruiz who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 27<sup>th</sup> day of January, 2010

SEAL

[Signature]  
Notary Public in and for the State of Texas

