

Respondent's professional nursing employment history continued:

1/1983-3/1988	Charge Nurse Texoma Medical Center Denison, Texas
3/1988-8/1988	Cardiac Care Unit Staff Nurse Medical City Dallas Dallas, Texas
8/1988-4/1990	Director of Skilled Nursing Unit Baylor Medical Center at Garland Garland, Texas
4/1990-12/1991	Director of Professional Services Geriatric Health Ventures, Inc. Dallas, Texas
1/1992-6/1993	Post Anesthesia Care Unit Charge Nurse Noble Army Community Hospital Fort McClellan, Alabama
6/1993-6/1994	3-11 Clinical Nurse Supervisor Stringfellow Memorial Hospital Anniston, Alabama
6/1994-10/1995	Resident Assessment Coordinator Colonial Pines Nursing & Rehab Center Anniston, Alabama
10/1995-4/1996	Director of Nursing Services Pine Knoll Nursing & Rehab Center Carrollton, Georgia
4/1996-10/1998	Patient Care Coordinator West Georgia Home Care Carrollton, Georgia
10/1998-12/2001	Director of Nursing Services IHS Haralson Nursing & Rehab Center Bremen, Georgia
12/2001-4/2003	Director of Nursing Services IHS Las Cruces Nursing Center Las Cruces, New Mexico

Respondent's professional nursing employment history continued:

4/2003-10/2003	Float Nurse Providence Memorial Hospital Advanced Temporaries, Inc. El Paso, Texas
10/2003-6/2004	Case Manager Doctors Hospital of Laredo Laredo, Texas
6/2004-1/2006	Director of Nursing Services McAllen Nursing & Rehab Center McAllen, Texas
2/2006-6/2006	Director of Nursing and Administrator Valley Saenz Home Care, Inc Pharr, Texas
7/2006-Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Director of Nurses and Administrator with Valley Saenz Home Care, Inc, and had been in this position for one (1) month.
7. On or about March 2, 2006, through May 13, 2006, while employed as the Director of Nursing with Saenz Home Care, Inc., Pharr, Texas, Respondent failed to:
 - Ensure skilled nursing visits and services were provided for Patient Numbers MC00021, MC00025, MC00026, MC00022, and MC00023, as ordered;
 - Document physician contacts regarding abnormal blood pressures and blood sugar results for Patient Numbers MC00025, MC00026, MC00022, MC00023, as ordered;
 - Obtain discharge orders prior to ending skilled nursing visits for Patient Numbers MC00021, MC00025, MC00026, MC00022, and MC00023, as required; and
 - Notify Patient Numbers MC00021, MC00025, MC00026, MC00022, and MC00023, of discharge plans prior to ending Home Health Services.Respondent's conduct was likely to injure the patients in that their physicians' would not have accurate information on which to base their decisions for further care of the patients and the patients may not have received the care that they needed.
8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that she resigned her position with Valley Saenz Home Care, Inc. on April 30, 2006, and therefore was not responsible for any visits conducted after that date. She states that, up to April 30, 2006, she provided skilled nursing visits and services, and that she reported abnormal findings to physicians. She says she left the agency in good faith and thought that the home care company would continue providing services as needed.

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)(A),(1)(B),(1)(D), (1)(M),(1)(P),(1)(U)&(3)(A) and 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 501557, heretofore issued to MARIA C. SPEAR, 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 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 multistate licensure privilege, 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 multistate licensure 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 deliver the wallet-sized license issued to MARIA C. SPEAR to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(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 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) contact 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>.

(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 "Pre-Survey Conference Computer-Based Training" for Home and Community Support Services Agencies, a six (6) module program which provides a general overview of state and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the Pre-Survey Conference Attendance Verification form to the Board's office. 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 website:* <http://www.dads.state.tx.us/providers/hcssa/cbt/>

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty five 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 and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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 6th day of August, 2009.

Maria C. Spear
MARIA C. SPEAR, Respondent

Sworn to and subscribed before me this 6th day of AUGUST, 2009.

SEAL



Robert J. Wilson

Notary Public in and for the State of VIRGINIA

Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 3rd day of August, 2009.

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 6th day of August, 2009, by MARIA C. SPEAR, Registered Nurse License Number 501557, and said Order is final.

Effective this 13th day of August, 2009.



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