



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 667794 and §  
Vocational Nurse License Number 174435 §  
issued to IRENE CALANCHE MARQUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of IRENE CALANCE MARQUEZ, Registered Nurse License Number 667794 and Vocational Nurse License Number 174435, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 7, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 and holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas on August 13, 1999, and received an Associate Degree in Nursing from El Paso Community College, El Paso, Texas on December 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on November 8, 1999, and was licensed to practice professional nursing in the State of Texas on March 21, 2000.

5. Respondent's professional and vocational nursing employment history includes:

8/99 - 12/99	Not employed in Nursing	
1/2000 - Present	Staff Nurse Labor and Delivery	Providence Memorial Hospital El Paso, Texas

6. At the time of the initial incident, Respondent was employed as a Labor and Delivery Staff Nurse with Providence Memorial Hospital, El Paso, Texas, and had been in this position for eight(8) years and two(2) months.
7. On or about March 16, 2008, while employed at Providence Memorial Hospital, El Paso, Texas, Respondent failed to accurately assess, and report the finding of the fetal monitoring strip of Patient #000987825 to the physician, a patient who presented to Labor and Delivery at thirty-nine (39) weeks gestation with contractions. Respondent incorrectly interpreted the fetal heart monitoring strips as reassuring instead of the indicated decreasing fetal heart tone baseline, and reported to the physician that the fetal monitor strip looked, "okay." Consequently, the patient was discharged from the facility with discharge teaching instructions including recognition of labor, monitoring of fetal kick counts, and emergency warning signs and indications for returning to the facility. When the patient returned the next day and was placed on the fetal heart monitor, fetal demise was noted and a nonviable fetus was delivered. Respondent's failure to accurately interpret fetal heart monitoring strips deprived the physician of essential information required to stabilize the fetus, which may have prevented the demise of the fetus.
8. In response to the incident in Finding of Fact Number Seven(7), Respondent states that at no time in the course of the patient's hospitalization did the patient experience any untoward events, or any changes that would have alerted Respondent to any potential problems. The fetal monitoring strips did not display any fetal decelerations. The fetal heart rate was consistently between one hundred thirty-five(135) and one hundred forty-five(145) beats per minute, which is a normal value. Respondent admits that the use of "reassuring" instead of "reactive" would have been proper when giving report to the physician, but the use of that term alone would not have alerted the physician that the patient must remain hospitalized. Respondent states she was surprised when discharge orders were given as she had been anticipating the patient would stay for observation to rule out labor. The fetal autopsy results indicated the intrauterine demise was due to a "cord accident", as evidenced by the thick meconium present at the time of delivery.

#### 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(D)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(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 Licence Number 667794, and Vocational Nurse License Number 174435, heretofore issued to Irene Calanche Marquez, including revocation of Respondent's license to practice professional and vocational 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 a WARNING WITH STIPULATIONS, 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 compact states.

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 Texas Board of Nursing 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 IRENE CALANCHE MARQUEZ, to the office of the Texas Board of Nursing within ten (10) days from

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 "Intermediate Fetal Monitoring." The course must be of at least 15 contact hours in duration and must be approved by the Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN). 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.

(4) 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://www.learningext.com/products/generalce/critical/ctabout.asp>*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order

of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided

to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of June, 2009.

Irene Calanche Marquez  
IRENE CALANCHE MARQUEZ, Respondent

Sworn to and subscribed before me this 12 day of June, 2009.

SEAL

Barbara A. Woods

Notary Public in and for the State of Texas



Approved as to form and substance.

Yvonne M. Acosta

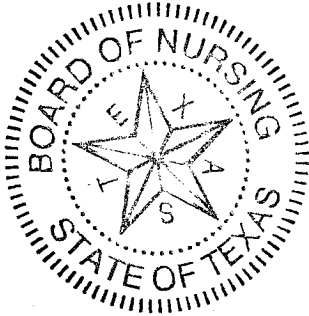
Yvonne Acosta, Attorney for Respondent

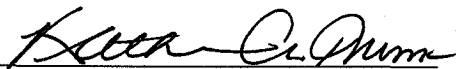
Signed this 12<sup>th</sup> day of June, 2009.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of June, 2009, by IRENE CALANCHE MARQUEZ, Registered Nurse License Number 667794, and Vocational Nurse License Number 174435, and said Order is final.

Effective this 23rd day of July, 2009.



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

IN THE MATTER OF § BEFORE THE TEXAS  
PERMANENT CERTIFICATE §  
NUMBERS 667794 & 174435 § BOARD OF NURSING  
ISSUED TO §  
IRENE CALANCHE MARQUEZ §

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: Irene Calanche Marquez  
c/o Yvonne M. Acosta, Respondent's Attorney of Record  
1100 Chase Tower  
201 East Main Drive  
El Paso, TX 79901

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Agreed Order of the Board was mistakenly ratified and entered for Irene Calanche Marquez. The Agreed Order, signed by Respondent and Respondent's attorney on June 12, 2009, mistakenly omitted proper statute and rule citations and appropriate identification of Respondent's license numbers on page 3 of the Agreed Order. Further, the Agreed Order contained an incorrect reference to the Occupations Code §302.402(a) and to 22 Tex. Admin. Code §239.11. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein invalidates the Agreed Order of the Board that was mistakenly ratified and entered on July 23, 2009 by the Board, and submits and enters the corrected Agreed Order of the Board, which references the proper statute and rule citations and appropriate identification of Respondent's license numbers and eliminates the incorrect reference to the Occupations Code §302.402(a) and to 22 Tex. Admin. Code §239.11. Respondent received due process regarding both licenses; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Agreed Order of the Board is hereby approved and entered on the dates set forth below.

Order effective July 23, 2009.

Entered this 28<sup>th</sup> day of July, 2009.



TEXAS BOARD OF NURSING

BY:

*Katherine A. Thomas*  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD