



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. Roman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 705045     §     AGREED  
and Vocational Nurse License Number 173996             §  
issued to THESSALANICA KAY MARCUM                     §     ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that THESSALANICA KAY MARCUM, Registered Nurse License Number 705045 and Vocational Nurse License Number 173996, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 6, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Louis Leichter, Attorney at Law. In attendance were Denise Benbow, MSN, RN, CMSRN, Nursing Practice Consultant, Executive Director's Designee; James W. Johnston, General Counsel; Jena Abel, Assistant General Counsel; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Kim L. Williamson, RN, Investigator.

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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.

4. Respondent received a Certificate in Vocational Nursing from Central Texas College, Killeen, Texas, on June 25, 1999, and received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on December 1, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 20, 1999, and was licensed to practice professional nursing in the State of Texas in May 20, 2004.

5. Respondent's nursing employment history includes:

10/99 to 3/00	Licensed Vocational Nurse (LVN) Southland Villa Temple, Texas
3/00 to 4/00	LVN Hill Country Rehabilitation & Nursing Services Copperas Cove, Texas
5/00 to 1/01	LVN Darnall Army Community Hospital Fort Hood, Texas
11/00 to 10/02	LVN Outreach Home Health Services (Pediatric) Temple, Texas
11/02	Unknown
12/02 to 2/03	Graduate Nurse (GN) Christus Santa Rosa Children's Hospital San Antonio, Texas
3/03 to 11/03	LVN Pediatric Services of America San Antonio, Texas
11/03 to 5/04	LVN Millennium Home Health Services (Pediatric) San Antonio, Texas
5/04 to 9/04	Registered Nurse (RN) Millennium Home Health Services (Pediatric) San Antonio, Texas
9/04 to 1/05	RN Advanced Health Services (Geriatrics) Seguin, Texas

Respondent's nursing employment history continued.

1/05 to 11/05	RN Gentiva Health Services San Antonio, Texas
10/05 to 12/05	RN Girling Home Health Services San Antonio, Texas
2006 to 2007	RN, Patient Care Coordinator HMHS, Inc. San Antonio, Texas
2007 to Present	RN, Clinical Intake Team Advisor Humana, Inc. San Antonio, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a RN with Gentiva Health Services, San Antonio, Texas, and had been in this position for eight (8) months.
7. On or about September 23, 2005, while employed as a RN with Gentiva Health Services, San Antonio, Texas, Respondent failed to clarify physician's orders for dietary status, wound care and the administration of Insulin for Patient RR who had been discharged from the hospital and was receiving Total Parenteral Nutrition (TPN). Respondent also failed to teach and instruct the patient regarding those orders and regarding the care of the patient's central intravenous catheter. Respondent's conduct was likely to injure the patient due to confusion of care to be provided in the home setting and from failure to ensure the caregivers were properly instructed and competent to provide the care required which could result in non-efficacious or harmful treatment.
8. On or about September 24, 2005, through September 26, 2005, while employed as a RN with Gentiva Health Services, San Antonio, Texas, Respondent initially failed to clarify physician's orders for Lovenox for Patient CB when she admitted the patient to home health services. The patient was a status post total knee replacement surgery. Lovenox is an injectable medication administered to patients to decrease the risk of deep vein thrombosis or pulmonary embolism after knee or hip surgery. Then, on or about September 26, 2005, when Respondent contacted the physician's office, she failed to document the clarified orders for the administration of Lovenox in the medical record, as required. The patient did not receive Lovenox from September 24, 2005, through October 6, 2005, when the physician gave orders not to administer Lovenox. Respondent's conduct was likely to injure the patient from increased risk of development of a post operative pulmonary embolism or deep vein thrombosis.

9. In response to the incident in Finding of Fact Number Seven (7), Respondent states she did provide patient and caregiver teaching, and she did contact the physician to clarify the orders. However, she failed to document the contact with the physician and this was a matter of inaccurate documentation. There was also another nurse present with Respondent who was to complete the assessment and provide care. In response to the incident in Finding of Fact Number Eight (8), Respondent states that the patient never filled the prescription for Lovenox, and Respondent did contact the physician's office at the time of the initial visit but the office was closed and Respondent would contact the physician on Monday. However, she did not document the call to the physician.
10. Charges were filed on July 28, 2008.
11. Charges were mailed to Respondent at her address of record on July 29, 2008.

#### 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)(C), (1)(D), (1)(F), (1)(M), (1)(N)&(1)(P) and 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 Nurses License Number 705045 and Vocational Nurse License Number 173996, heretofore issued to THESSALANICA KAY MARCUM, including revocation of Respondent's licenses 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 WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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 privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to THESSALANICA KAY MARCUM 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 pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) 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 licenses 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

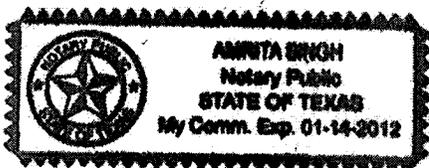
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17<sup>th</sup> day of February, 2009.

Thessalunica Kay Marcum  
THESSALANICA KAY MARCUM, RESPONDENT

Sworn to and subscribed before me this 17<sup>th</sup> day of February, 2009.

SEAL



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

Approved as to form and substance.

[Signature]  
Louis Leichter, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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 17<sup>th</sup> day of February, 2009, by THESSALANICA KAY MARCUM, Registered Nurse License Number 705045 and Vocational Nurse License Number 173996, and said Order is final.



Effective this 23<sup>rd</sup> day of February, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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