

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

In the Matter of Registered Nurse § AGREED
License Number 691232 §
issued to MARYANN RUTH ROTHERT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARYANN RUTH ROTHERT, Registered Nurse License Number 691232, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 24, 2008, 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.
2. Respondent waived representation by counsel, informal conference, 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.
4. Respondent received an Associate Degree in Nursing from Daytona Beach Community College, Daytona Beach, Florida, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Florida on July 30, 1997, and was licensed to practice professional nursing in the State of Texas on October 21, 2002.

5. Respondent's professional nursing employment history includes:

7/1997 - 2/1998	Relief Nurse Supervisor, Registered Nurse Emery Bennett Nursing Home Daytona, Florida
3/1998 - 4/1998	Unknown
5/1998 - 4/1999	Cardiac Preceptorship Program, RN Flagler Hospital St. Augustine, Florida
5/1999 - 11/2001	Open Heart Recovery /Cardiac CCC, RN Ormond Memorial Hospital Ormond Beach, Florida
12/2001	Unknown
1/2002 - 10/2002	ICU / CCU, RN Star Med Agency/Florida Fish Hospital Port Orange, Florida
11/2002 - 3/2003	Unknown
4/2003 - 11/2004	ICU, RN St. Luke's Community Medical Center The Woodlands, Texas
12/2004 - Present	Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed with St. Luke's Community Medical Center, The Woodlands, Texas, and had been in this position for one (1) year and five (5) months.
7. On or about September 8, 2004, through September 17, 2004, while employed with St. Luke's Community Medical Center, The Woodlands, Texas, Respondent failed to document in the medical record the type and status of restraints applied to Patient Number 2438667 or that assessments of the restraints were completed every two (2) hours, as required. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would have relied on her documentation to further plan their care.
8. On or about November 17, 2004, while employed with St. Luke's Community Medical Center, The Woodlands, Texas, Respondent failed to document in the medical record her assessment of the musculoskeletal, integumentary, psychosocial/spiritual, immunological and hematological systems of Patient Number 2143790, and failed to document patient care

items, including the patient's drains/tubes, invasive lines, Activities of Daily Living, or test Procedures, as required. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would have relied on her documentation to further plan their care.

9. On or about November 17, 2004, while employed with St. Luke's Community Medical Center, The Woodlands, Texas, Respondent failed to notify a physician that the administration of Total Parenteral Nutrition to Patient Medical Record Number 02453676 would be delayed because of a pharmacy error and that the urine outputs of Patient Numbers 2453676 and 0356108 had fallen less than 30cc/hr, which is a benchmark indicator of potentially insufficient perfusion. Respondent's actions were likely to injure patients from non-eficacious care and from complications due to progression of untreated clinical conditions, including possible early renal damage and/or failure.
10. In her response to the incidents in Findings of Fact Numbers Seven (7), Eight (8), and Nine (9), Respondent states that she was overwhelmed the nights of the incidents due to the high patient load, lack of auxiliary staff, and difficulty operating the computerized documentation software. Additionally, Respondent indicates in retrospect that she should not have accepted the assignments but believes that her actions did not place her patients in actual danger. Respondent concludes, stating that the time she spent away from documentation was time she spent at the bedside, caring for patients.

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, 22 TEX. ADMIN. CODE §§ 217.11(4), 217.11(1)(B)(1)(D)&(1)(P)[Effect. 9/28/2004], 217.12(4), and 217.12(1)(B)&(1)(C) [Effect. 9/28/2004].
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 691232, heretofore issued to MARRYANN RUTH ROTHERT, including revocation of Respondent's license to practice professional nursing in the State of Texas.

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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, 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 §211.01 *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 professional 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 MARYANN RUTH ROTHERT to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(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 Chemical Dependency, 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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/disciplinary action>.*

(4) 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/disciplinary action>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

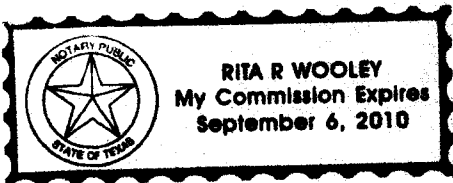
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and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

Signed this 29th day of April, 2008
Maryann Ruth Rother
MARYANN RUTH ROTHERT, Respondent

Sworn to and subscribed before me this 29 day of April, 2008.

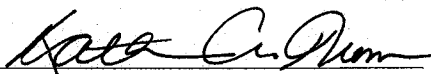
SEAL

Rita R Wooley
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 29th day of April, 2008, by MARYANN RUTH ROTHERT, Registered Nurse License Number 691232, and said Order is final.

Effective this 2nd day of May, 2008.


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