

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 109938
ISSUED TO
MARCIA ANN MALONE

§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING

ORDER OF THE BOARD

TO: Marcia Ann Malone
200 Damon #28
West Columbia, Texas 77486

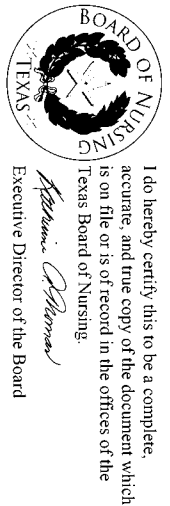
During open meeting held in Austin, Texas, on March 20, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.



The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

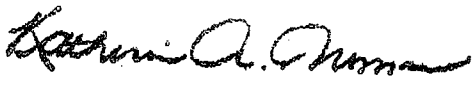
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 109938, previously issued to MARCIA ANN MALONE, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 20th day of March, 2012.

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 3, 2012.

Re: Permanent Certificate Number 109938
Issued to MARCIA ANN MALONE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20 ____, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Marcia Ann Malone
200 Damon #28
West Columbia, Texas 77486

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 109938, Issued to §
MARCIA ANN MALONE, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARCIA ANN MALONE, is a Vocational Nurse holding license number 109938, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 9, 2010, while employed as a Charge Nurse with Country Village Care Angleton, Texas, Respondent failed to transcribe an order to change the dose of Synthroid 75 mcg QD to Synthroid 88mcg QD in Resident Number 2535's medical record. Consequently, the Resident received the incorrect dose for eight (8) days before the error was noted and corrected. Respondent's conduct was likely to harm the patient from non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE II.

On or about February 11, 2010, while employed as a Charge Nurse with Country Village Care, Angleton, Texas, Respondent failed to correctly transcribe an order for Resident Number 2565. The physician ordered Lasix 40mg every day and although Respondent documented Lasix 40 mg, one tab every morning, she entered the administration times as 0600 hours, 1200 hours, 1800 hours, and midnight, in the Medication Administration Record. Respondent's conduct exposed the patient to adverse effects from an overdose of Lasix, a diuretic, which could cause serious electrolyte abnormalities and dehydration.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

CHARGE III.

On or about February 16, 2010, while employed as a Charge Nurse with Country Village Care, Angleton, Texas, Respondent failed notify Resident Number 2291's physician when she received critical laboratory results, which indicate the blood clotting time. Additionally, Respondent failed to appropriately document the laboratory results in the resident's medical record. Respondent's conduct deprived the patient of timely medical intervention required to stabilize the patient's condition. Furthermore, Respondent's conduct deprived subsequent caregivers of essential information required to provide ongoing medical care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D),(1)(M)&(1)(P), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE IV.

On or about March 16, 2010, while employed as a Charge Nurse with Country Village Care, Angleton, Texas, Respondent failed to promote a safe environment and secure her assigned Residents during an emergency situation in which the facility was notified of possible chemical injury due to a train accident. Instead, Respondent took a break. Respondent's conduct may have exposed the residents to harm by delaying the implementation of the emergency protocol.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(M)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

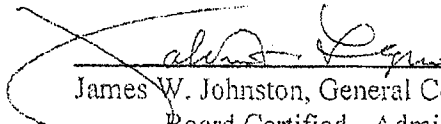
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 3rd day of February, 2012.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401