



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 A. Cook
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 599840 issued to § AGREED ORDER
MAURIE MICHELLE CUNNINGHAM §

An investigation by the Board produced evidence indicating that MAURIE MICHELLE CUNNINGHAM, hereinafter referred to as Respondent, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on October 10, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Kenneth Lowrance, MS, RN, CS, FNP-C, Board Member; Sharon Sanders, Assistant Attorney General; Anthony L. Diggs, Supervising Investigator; and Patricia A. Cook, 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 representation by counsel, notice and hearing, and consented to the entry of this order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent graduated from a two (2) year nursing program from Mount Royal College, Calgary, Alberta, Canada on September 1, 1993.

5. Respondent's professional employment history includes:

January 3, 1995 - April 7, 1996

Staff Nurse
Big Bend Regional Medical Center
Alpine, Texas

October 16, 1995 - February 12, 1996

Charge Nurse (PRN)
Alpine Valley Care Center
Alpine, Texas

April 8, 1996 - Present

Staff Nurse
Medical Center Hospital
Odessa, Texas

6. At the time of the incident, Respondent was employed as a Weekend PRN Charge Nurse with Alpine Valley Care Center, Alpine, Texas and had been in this position for approximately four (4) months.
7. Respondent, on or about February 10, 1996, accepted an assignment to work the 2:00 p.m. to 10:00 p.m. shift at Alpine Valley Care Center, Alpine, Texas. On this date Respondent was also on call with Big Bend Regional Medical Center Hospital-Home Health Agency, Alpine, Texas.
8. During her 2:00 p.m. to 10:00 p.m. shift assignment at Alpine Valley Care Center, on February 10, 1996, Respondent left the facility for approximately ½ hour, without notifying her immediate supervisor, in order to provide nursing care to one of her Big Bend Regional Medical Center patients. During her absence, Respondent left approximately thirty-eight (38) residents at Alpine Valley Care Center without benefit of licensed nursing care. Respondent's conduct was likely to injure patients relying on Respondent for nursing intervention and treatment.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(13).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 599840, heretofore issued to Maurie Michelle Cunningham.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of Reprimand with Remedial Education, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and this order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to MAURIE MICHELLE CUNNINGHAM, to the office of the Board of Nurse Examiners within ten (10) days of the date of this order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this order, successfully complete a course in Nursing Jurisprudence. 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 must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content should include the Nursing Practice Act, Standards of Practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, that upon full compliance with the terms of this order ,
RESPONDENT SHALL be issued an unencumbered license to practice professional 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 waive representation by counsel. I have reviewed this order. I neither admit nor deny the violations alleged. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any stipulation of this order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this order. I understand that this order is subject to ratification by the Board. When the order is ratified, the terms of this order become effective, and a copy will be mailed to me. ---

Signed this 13 day of December, 19 96

Maurie Michelle Cunningham
MAURIE MICHELLE CUNNINGHAM

Sworn to and subscribed before me this 13th day of December, 19 96


SEAL



Melanie Treadwell
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners
for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the
13th day of December, 19 96, by MAURIE MICHELLE CUNNINGHAM,
license number 599840, and said order is final.

Effective this 23rd day of January, 19 97.


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



**BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**



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KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

September 30, 1997

Maurie Michelle Cunningham
806 N. 8 St.
Alpine TX 79830

Dear Ms. Cunningham:

This letter is for your records to clarify the action taken against your nursing license by the Board of Nurse Examiners.

On January 23, 1997, an Agreed Order was issued which imposed the sanction of a Reprimand with Remedial Education. This action did not restrict your employment conditions or work environment. The only requirement for satisfaction of the Order was for you to successfully complete a course in Nursing Jurisprudence.

You completed the required course prior to the Order going into effect. In my letter to you dated January 15, 1997, I indicated that you had met the requirements of the Order which, at that time, was most probably going to be ratified by the Board (this Order went into effect on January 23, 1997). Since you met the requirements of the Order prior to ratification of that Order, your license was not encumbered; essentially, you did what you needed to so that your license would not be stipulated in any manner as a result of the Order.

If further clarification is needed, I may be contacted at (512) 305-6834.

Sincerely,

Korena Schaaf
Investigator
Monitoring

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