



## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of                                           §         AGREED  
Vocational Nurse License Number 202759         §  
issued to MICHELLE MARIE MUNGIA           §         ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHELLE MARIE MUNGIA, Vocational Nurse License Number 202759, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 13, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Victoria College, Victoria, Texas, on August 12, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on February 7, 2006.
5. Respondent's vocational nursing employment history includes:

8/2005 - 7/2006      GVN/LVN      Twin Pines Nursing & Rehabilitation  
Victoria, Texas

11/2005 - 2/2006	LVN	Devereux Texas Treatment Network Victoria, Texas
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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 O'Donnell*  
Executive Director of the Board

Respondent's vocational nursing employment history continued:

5/2006 - 6/2006	LVN	National Nursing & Rehabilitation Victoria, Texas
6/2006 - 11/2007	LVN	Epic Medstaff Home Health San Antonio, Texas
7/2006 - 11/2006	LVN	Texan East Nursing & Rehabilitation Victoria, Texas
12/2006 - Present	LVN	TLC Staffing Agency Victoria, Texas
1/2007 - 2/2007	LVN	Texas Health Center Victoria, Texas
3/2008 - 10/2008	LVN	Devereux Texas Treatment Network Victoria, Texas
3/2008 - 12/2008	LVN	Epic Medstaff Home Health San Antonio, Texas
5/2008 - 8/2009	LVN	Victoria Heart & Vascular Center Victoria, Texas
1/2010 - 5/2010	LVN	Texan East Nursing & Rehabilitation Victoria, Texas
7/2010	LVN	Twin Fountains Walk-In Clinic Victoria, Texas
7/2010 - Present	LVN	Epic Medstaff Home Health San Antonio, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Twin Fountains Walk-In Clinic, Victoria, Texas, and had been in this position for three (3) days.
7. On or about July 11, 2010, while employed with Twin Fountains Walk-In Clinic, Victoria, Texas, Respondent failed to protect confidential patient information in that she accessed the medical records of Patient KD without written authorization or without being assigned to the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of his confidential medical information without his written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).

8. In response to Finding of Fact Number Seven (7), Respondent states that KD is her ex-boyfriend and during their relationship she questioned if he had given her an STD because she was having symptoms. Respondent states that she was hired with Twin Fountains Walk-In Clinic on July 9<sup>th</sup> and felt that there was concern for her personal well being, so she used their system to access his chart information. Respondent found that she did have concern for her personal well being according to the chart. Respondent states that she let her temper and personal feelings get the best of her and she reacted. Respondent states that she is fully aware of the responsibility of being a nurse and of treating the confidentiality of the people that she assists with the utmost respect.

#### 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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 202759, heretofore issued to MICHELLE MARIE MUNGIA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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) 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Patient Privacy," a 5.4 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 Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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 license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

### RESPONDENT'S CERTIFICATION

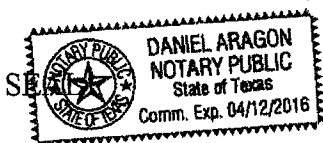
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of September, 2012.

Michelle Mungia  
MICHELLE MARIE MUNGIA, Respondent

Sworn to and subscribed before me this 17 day of September, 2012.



[Signature]  
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 17<sup>th</sup> day of September, 2012, by MICHELLE MARIE MUNGIA, Vocational Nurse License Number 202759, and said Order is final.



Effective this 21<sup>st</sup> day of September, 2012.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

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