BEFORE THE TEXAS BOARD OF NURSING



In the Matter of

AGREED

Registered Nurse License Number 537835

issued to MARILYN SMITH MOKRACEK §

ORDER

Executive Director of the Board On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MARILYN SMITH MOKRACEK, Registered Nurse License Numoci 537835, 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 approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 25, 2013.

FINDINGS OF FACT

- Prior to the institution of Agency proceedings, notice of the matters specified below in these 1. 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).
- Respondent waived representation by counsel, informal proceedings, notice and hearing, and 2. agreed to the entry of this Order.
- 3. Respondent is currently licensed to practice professional nursing in the State of Texas.
- Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health 4. Science Center, Houston, Texas, on September 1, 1986 and received a Master's Degree in Nursing from the University of Texas Health Science Center, Houston, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1987.
- Respondent's professional nursing employment history includes: 5.

03/1987 - 07/1990

RN

Memorial Care Systems Houston, Texas

Respondent's professional nursing employment history continued:

07/1990 - Present

RN

St. Luke's Episcopal Hospital Houston, Texas

- 6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Registered Nurse with St. Luke's Episcopal Hospital, Houston, Texas, and had been in this position for twenty-two (22) years.
- 7. On or about March 30, 2012, while employed as a Nurse Manager with St. Luke's Episcopal Hospital, Houston, Texas, Respondent failed to collaborate appropriately with the physician and family members when Patient MK experienced a stroke and required intubation, in that she refused to confirm the pulmonologist had spoken to the attending physician, as requested by the family, before proceeding with the intubation, and she refused to answer the wife's questions. Respondent's conduct deprived the patient's physician of information that could have been needed to institute appropriate medical interventions. Respondent's conduct also deprived the family of the information they requested, which they could have used when making decisions regarding the patient's care.
- 8. On or about March 30, 2012, while employed as a Nurse Manager with St. Luke's Episcopal Hospital, Houston, Texas, Respondent failed to protect Patient MK's confidential health information in that she spoke loudly in the public hallway detailing specific patient information in front of the family, who requested her to take them to a more private area, but Respondent refused. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of her confidential information without her written authorization, which constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
- 9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she ensured that the daughter of Patient MK felt comfortable with the decision to intubate by paging the attending physician and having her talk to the physician on the phone. She states that the patient's medical information was only shared with immediate family members and other health care members involved with his care.

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),(1)(F),(1)(M),(1)(P) and 22 Tex. ADMIN. CODE §217.12(1)(A),(1)(B),

(1)(C)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 537835, heretofore issued to MARILYN SMITH MOKRACEK, 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 a REMEDIAL EDUCATION, 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 <u>not</u> 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

C20

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.

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 may be eligible for nurse licensure compact privileges, if any.

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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 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 15 day of $\overline{\text{JUly}}$, 2013.

MARILYN SMITH MOKRACEK, Respondent

Sworn to and subscribed before me this 15 day of July, 2013.

SEAL

BETH SHELTON Notary Public, State of Texas My Commission Expires April 23, 2014 ___ Both Skelton

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 <a href="https://linear.ncbi.nlm.nc

Effective this 17th day of July, 2013.

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf of said Board

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