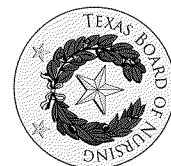


BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 797231	§	
issued to BLANCA MARICELA HERNANDEZ-LUNA	§	ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of BLANCA MARICELA HERNANDEZ-LUNA, Registered Nurse License Number 797231, 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) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 4, 2014, subject to ratification by the Board.

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 informal proceedings, 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 a Baccalaureate Degree in Nursing from Universidad Autonoma de Nuevo Leon School of Nursing, Monterrey, Mexico, on August 1, 2001. Respondent was licensed to practice professional nursing in the State of Texas on February 10, 2011.
5. Respondent's nursing employment history includes:

08/01 - 04/04

Post-Graduate Research Assistant

Respondent's professional nursing employment history continued:

05/04 - 08/08	Unknown	
09/08 - 12/10	RN	Hospital Metropolitano Bernardo Sepulveda Monterrey, Mexico
01/10 - 02/10	Unknown	
03/10 - 02/12	RN	Nurses Now International - MEXCONEX Monterrey, Mexico
04/12 - Present	RN	Mission Regional Medical Center Mission, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, and had been in this position for five (5) months.
7. On or about December 8, 2011, while employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to recheck the blood glucose level for Patient Medical Record Number 073281652 after she was notified of the patient's critical lab values for Calcium, Glucose and Potassium. Additionally, Respondent failed to provide orange juice to the patient, as ordered by the physician. Subsequently, the patient's blood glucose level continued to decline and a rapid response team was called. Respondent's conduct injured the patient from undetected progression of clinical complications, including those associated with hypoglycemia.
8. On or about December 8, 2011, while employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to accurately and/or completely document the critical lab values for the aforementioned Patient Medical Record Number 073281652 in the patient's medical record and/or nurse's notes. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their decisions for further care.
9. On or about December 8, 2011, while employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to participate in the "code blue" for the aforementioned Patient Medical Record Number 073281652 in that Respondent left the patient's bedside and failed to communicate critical lab values to the code blue team. The patient subsequently expired twenty-one (21) minutes after the code was called. Respondent's conduct deprived the code blue team of pertinent information needed to resuscitate the patient, and may have contributed to the patient's demise.

10. On or about December 8, 2011, while employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to ensure that correct supplies for the aforementioned Patient Medical Record Number 073281652 were at the patient's bedside, in that suction catheters of the correct size were not available at the time of the code blue. Respondent's conduct deprived the code blue team of the supplies needed to provide timely intervention and resuscitate the patient, and may have contributed to the patient's subsequent demise.
11. On or about January 27, 2012, while employed as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to intervene for her patient in that Respondent failed to notify the physician after straight catheterization of her patient yielded a urine output of 1860ml in a single episode. Respondent's conduct may have injured the patient from undetected progression of clinical complications, including those associated with improper bladder function.
12. On or about January 27, 2012, while employed with as a Registered Nurse with Nurses Now International (NNI) - MEXCONEX, Monterrey, Mexico, and assigned to Ben Taub Hospital, Houston, Texas, Respondent failed to understand the rationale and effects of medications in that Respondent inappropriately applied a Fentanyl patch to the ischemic right leg of her patient. Respondent's conduct was likely to injure the patient in that failure to correctly administer medications could result in non-efficacious treatment.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states that the patient was very ill and points out that the patient's low blood glucose levels were not called into the physician during the prior shift. Respondent states she tried to get orange juice for the patient, but was unable to locate some so she notified the unit clerk to call the kitchen and get some more orange juice. Respondent concedes that she should have monitored the patient's blood glucose level more closely and states that she learned she could have given the patient D50% Dextrose instead of orange juice. Regarding the code blue, Respondent states that she left the room because it was crowded and she felt it was more important for the physicians and more experienced health care providers to have more space to do their work. Respondent maintains she was in close proximity and monitoring the events so she could be readily available to answer any questions. Regarding the suction catheters, Respondent states she had notified the respiratory therapist that the appropriate size suction catheter was not available and assumed that the appropriate equipment was on hand. Respondent concedes that she should have checked to make sure the catheters were available. Regarding the patient with high urine output, Respondent states she was coached by her manager to communicate timely if her patient was not emptying his/her bladder timely. Regarding the Fentanyl patch, Respondent states she did not know the Fentanyl patch could not be placed on the patient's ischemic leg, and states she has looked into medical literature regarding the absorption, distribution, metabolism and excretion of medications.

### 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)(B),(1)(C),(1)(D),(1)(M),(1)(P)&(3)(A) and 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 797231, heretofore issued to BLANCA MARICELA HERNANDEZ-LUNA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 797231, previously issued to BLANCA MARICELA HERNANDEZ-LUNA, to practice nursing in Texas is/are hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and

the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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>.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.texas.gov/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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>.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY**

**PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of



two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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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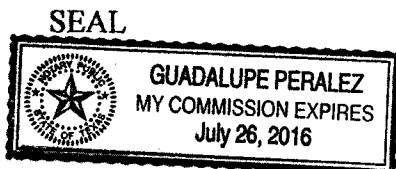
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 3 day of March, 2014.

Blanca Maricela Hernandez-Luna  
BLANCA MARICELA HERNANDEZ-LUNA, Respondent

Sworn to and subscribed before me this 3<sup>rd</sup> day of March, 2014.



Guadalupe Perez  
Notary Public in and for the State of Texas

Approved as to form and substance.

Thomas C. Cowan  
Thomas C. Cowan, Attorney for Respondent

Signed this 6 day of March, 2014.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of March, 2014, by BLANCA MARICELA HERNANDEZ-LUNA, Registered Nurse License Number 797231, and said Order is final.

Effective this 16th day of April, 2014.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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