



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

## BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED
Registered Nurse License Number 736539	§	
issued to MARISSA JUAN BAGUISA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARISSA JUAN BAGUISA, Registered Nurse License Number 736539, 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 notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 23, 2014.

### 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Wesleyan University-Philippines, Cabanatuan City, Philippines on March 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on January 11, 2007.
5. Respondent's nursing employment history includes:

04/1992-12/01

RN

Makati Medical Center  
Makati City, Philippines

Respondent's employment history (continued):

01/02-12/04	Unknown	
01/05-01/07	RN	Ameriblu Healthcare Services, LLC Houston, Texas
02/07-11/12	RN	Memorial Hermann Home Health Stafford, Texas
12/12-11/13	Unknown	
12/13-Present	RN	Allied Health Services Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Memorial Hermann Home Health, Stafford, Texas, and had been in that position for approximately five (5) years and nine (9) months.
7. On or about October 15, 2012, and November 3, 2012, while employed with Memorial Hermann Home Health, Stafford, Texas, Respondent falsified Skilled Nursing Routine Visit Notes for Patient Number 83172, in that she submitted documentation for visits that she did not actually complete. Respondent's conduct resulted in inaccurate medical records and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their decisions for further care.
8. On or about October 15, 2012, and November 3, 2012, while employed with Memorial Hermann Home Health, Stafford, Texas, Respondent falsified signatures for Patient Number 83172, and the patient's family member, on the Daily Time and Travel Logs in that she submitted them for reimbursement for hours she did not actually work. Respondent's conduct was likely to defraud Memorial Hermann Home Health of monies for payment of hours that Respondent did not actually work.
9. On or about October 19, 2012, and November 3, 2012, while employed with Memorial Hermann Home Health, Stafford, Texas, Respondent falsified Skilled Nursing Routine Visit Notes for Patient Number 40216, in that she submitted documentation for visits that she did not actually complete. Respondent's conduct resulted in inaccurate medical records and was likely to injure that patient in that subsequent care givers would not have complete information on which to base their decisions for further care.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states the visits at issue were not performed at the time they were scheduled, and were falsely backdated to correspond with the actual scheduled visit time. Respondent states sometimes

her schedules clashed or she could not find enough time to see all of her scheduled patients in a day and, thus on November 3, ran out of time. Respondent states that she did make up the visit the following day, and documented the visit, backdating it to the actual scheduled visit time. Respondent states this was also the reason she signed for the patient/family on the time and travel logs.

11. Formal Charges were filed on June 9, 2014.
12. Formal Charges were mailed to Respondent on June 13, 2014.

#### 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)(D) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (1)(C), (4), (6)(A) & (6)(H).
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 736539, heretofore issued to MARISSA JUAN BAGUISA.

#### TERMS OF ORDER

##### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission

of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order, unless otherwise specifically indicated:

- A. A course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- C. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form

or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) 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.

#### V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each

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

- C. **Indirect Supervision:** 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, with the exception of Respondent's current employment as an RN under three (3) month contracts with Allied Health Services, Houston, Texas. Should Respondent's current employment as an RN with Allied Health Services, Houston, Texas, cease or change, Respondent shall not be employed by a temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

## VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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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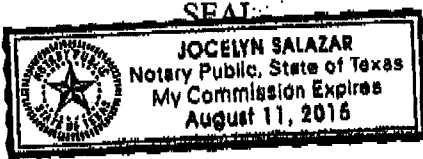
RESPONDENT'S CERTIFICATION

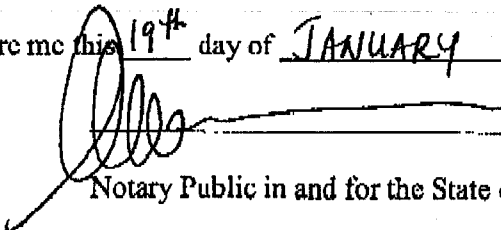
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of JANUARY, 2015.


  
MARISSA JUAN BAGUISA, Respondent

Sworn to and subscribed before me this 19<sup>th</sup> day of JANUARY, 2015.



  
Notary Public in and for the State of TEXAS

Approved as to form and substance.


  
Darrin Dest, Attorney for Respondent

Signed this 19 day of January, 2015.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19<sup>th</sup> day of January, 2015, by MARISSA JUAN BAGUISA, Registered Nurse License Number 736539, and said Order is final.

Effective this 10<sup>th</sup> day of Februrary, 2015.

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