



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 ORDER  
Registered Nurse License Number 700573 § FOR  
issued to EMYROSE DIAMANTE § KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EMYROSE DIAMANTE, Registered Nurse License Number 700573, 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 January 8, 2015.

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 Diploma in Nursing from Bicol University College of Nursing, Legazpi City, Albay, Phillippines on March 30, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 23, 2003.
5. Respondent's nursing employment history includes:

3/1993-12/2004	Unknown	
1/2005-3/2009	Registered Nurse	Spohn Helath System Corpus Christi, Texas

Respondent's nursing employment history continued:

1/2008-10/2008	Registered Nurse	Corpus Christi Medical Center Corpus Christi, Texas
6/2009-3/2011	Registered Nurse	Corpus Christi Specialty Hospital Corpus Christi, Texas
5/2011-10/2011	Registered Nurse	Nurses on Wheels, Inc. Corpus Christi, Texas
6/2011-4/2012	Registered Nurse	Cimarron Place Nursing and Rehabilitation Corpus Christi, Texas
10/2011-8/2012	Registered Nurse	MedAssurant, Inc. Corpus Christi, Texas
6/2012-12/2012	Registered Nurse	Windsor Nursing and Rehabilitation Corpus Christi, Texas
12/2012-2/2013	Registered Nurse	National Nursing and Rehabilitation Corpus Christi, Texas
3/2013-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with National Nursing and Rehabilitation, Corpus Christi, Texas, and had been in that position for one (1) year and two (2) months.
7. On or about February 6, 2013, through February 15, 2013, while employed as a Registered Nurse with National Nursing and Rehabilitation, Corpus Christi, Texas, Respondent failed adequately assess the Peripherally Inserted Central Catheter (PICC) insertion site of Patient Medical Record Number CCA00001307901's when she did not change the PICC Line dressing, as ordered. Respondent admitted the patient to Home Health Services on February 6, 2013, and did not assess the insertion site of the PICC Line during the admission assessment, as is expected. The patient was ordered to have weekly PICC line dressing changes, which were not completed, or documented as completed, during Respondent's subsequent visits. Respondent's conduct was likely to injure the patient in that failure to change PICC line dressings exposed the patient to the risk of infection.
8. In response to Finding of Fact Number Seven (7), Respondent states she did not change the PICC dressing on the 6<sup>th</sup> because it wasn't due yet. Respondent states the PICC was placed on the 4<sup>th</sup> and so a dressing change wouldn't be due until the 11<sup>th</sup>. Respondent states she did change the dressing on the 11<sup>th</sup>.
9. Formal Charges were filed on October 24, 2014.

10. Formal Charges were mailed to Respondent on October 28, 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)(C),(1)(D),(1)(M)&(1)(O), and 217.12(1)(A),(1)(B)&(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 700573, heretofore issued to EMYROSE DIAMANTE.

### TERMS OF ORDER

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

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** 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. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**V. 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.

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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
EMYROSE DIAMANTE, Respondent

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

\_\_\_\_\_  
Taralynn Mackay, Attorney for Respondent

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RESPONDENT'S CERTIFICATION**

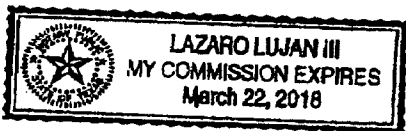
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Signed this 16<sup>th</sup> day of February, 2015.

EMYROSE DIAMANTE  
EMYROSE DIAMANTE, Respondent

Sworn to and subscribed before me this 16 day of FEBRUARY, 2015.

SEAL



Lazaro Lujan III  
Notary Public in and for the State of TEXAS


Approved as to form and substance.

Taralynn R. Mackay  
Taralynn Mackay, Attorney for Respondent

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

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16<sup>th</sup> day of February, 2015, by EMYROSE DIAMANTE, Registered Nurse License Number 700573, and said Order is final.

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

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