



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 661540 §
issued to MARIA DEL-PILAR PONCE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MARIA DEL-PILAR PONCE, Registered Nurse License Number 661540, 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 July 24, 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 an Associate Degree in Nursing from Trinity Valley Community College, Kaufman, Texas, on May 1, 1999, and a Baccalaureate Degree in Nursing from the University of Texas - Arlington, Arlington, Texas, on August 11, 2001. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 1999.
5. Respondent's nursing employment history includes:

7/1999 - 2001	Staff RN	Vista Care Family Hospice Dallas, Texas
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Respondent's nursing employment history continued:

1/2002 - 8/2004	Staff RN	Navarro Regional Hospital Corsicana, Texas
4/2003 - 9/2004	Staff RN	Heritage Oaks West Retire Village Corsicana, Texas
10/2004 - 4/2005	Unknown	
5/2005 - 9/2005	Staff RN	Grand Lodge I.O.O.F. of Texas Retirement Home Ennis, Texas
10/2005 - 4/2006	Staff RN	Ennis Regional Medical Center Ennis, Texas
5/2006 - 6/2008	Unknown	
7/2008 - 10/2008	Staff RN	The Classic Nurse Richardson, Texas
11/2008	Unknown	
12/2008 - 1/2014	Staff RN	Methodist Charlton Medical Center Dallas, Texas
2/2014 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, and had been in that position for Eight (8) months.
7. On or about August 13, 2009, while employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to properly identify a patient before obtaining blood for a laboratory specimen and obtained blood from the wrong patient. Respondent's conduct exposed the patient, unnecessarily, to the discomfort associated with a blood specimen draw and increased the risk of exposing the patient, unnecessarily, to infectious pathogens and communicable conditions. Additionally, Respondent's conduct increased the the risk of exposing the patient, unnecessarily, to inappropriate medical interventions based on laboratory results.
8. On or about March 21, 2010, while employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to administer a tap water enema to Patient Medical Record Number CU00591752, as ordered by a physician. Respondent's conduct increased the risk of delaying appropriate medical interventions to include surgery.

9. On or about May 24, 2012, while employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to complete the facility's "Rounding Tool" on four patients. Respondent's conduct caused a failure to collect information used to ensure patients' needs and concerns are addressed timely and efficiently.
10. On or about October 24, 2013, while employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to appropriately assess and intervene for Patient Medical Record Number 312555, who was experiencing shortness of breath and an oxygen saturation level of 84%, when she transported him to Radiology, for a CT scan, and then returned to her unit leaving the patient to be cared for by a radiology technician. Respondent's conduct placed the patient at increased risk of injury associated with the adverse effects of respiratory distress to include increased work of breathing, elevated heart rate, increased discomfort, confusion, panic, and eventually respiratory and cardiovascular collapse.
11. On or about December 16, 2013, while employed as a Staff RN with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to administer Packed Red Blood Cells, Clonidine HCL Patch, Metoprolol 5 mg IV, and Hydralazine 10 mg IV PRN to Patient Medical Record Number 661148, as ordered by a physician, in a timely manner. Additionally, Respondent failed to notify the patient's physician that she did not administer the Packed Red Blood Cells and that the patient remained with persistent hypertension. Respondent's conduct placed the patient at increased risk of injury associated with the adverse effects of persistent hypertension to include severe headache, fatigue or confusion, vision problems, chest pain, difficulty breathing, and irregular heartbeat.
12. In response to Finding of Fact Number Seven (7), Respondent states that she placed the wrong label on the patient's blood, and had two (2) patients with the same last name sent in. When called to collect the next patient's blood, 10 minutes later, she called the laboratory and advised them of her error.

In response to Finding of Fact Number Eight (8), Respondent states that the patient refused to allow her to administer the enema.

In response to Finding of Fact Number Nine (9), Respondent states that she was instructed to sign the paper sheets every two (2) hours that are placed on the wall in the room for the nurse tech and nurse to sign to show that they were in the room. Respondent states that the form was changed, and that the nurses did not have any to sign for approximately a two (2) week period. She states that they were subsequently posted again and that she missed it, but that she charted on the patient charts every two hours. Respondent insists that she resumed doing so as soon as it was brought to her attention.

In response to Finding of Fact Number Ten (10), Respondent insists that the patient was NOT abandoned in Radiology. Respondent states that the patient had severe chronic obstructive pulmonary disease (COPD), due to a twenty (20) year smoking history, and had low oxygen saturations by history. He had manifested respiratory distress on January 24, 2013, and the concern was a possible PE. On October 24, 2013, the patient had an order for

a stat CTA, and Respiratory Therapy (RT) had evaluated the patient before he was taken to radiology and found with low O2 saturation. He was fitted with on-board oxygen via rebreather, and transported to Radiology for an Angiogram to rule out a pulmonary embolism. Respondent insists that this patient was observed by a radiology staff member during this diagnostic study, and accordingly was never abandoned.

In response to Finding of Fact Number Eleven (11), Respondent insists that she consulted with the charge nurse, who concurred in holding the Packed Red Blood Cells. Respondent states that she attempted to contact the patient's physician, who was out of town, and did inform the nephrologist in the room of the hypertension and no new orders were given. It was later toward the end of the Respondent's shift that the physician covering for the primary physician was notified. The patient was then moved to a higher level observation unit, and the Packed Red Blood Cells were administered.

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)&(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 661540, heretofore issued to MARIA DEL-PILAR PONCE.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

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. 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 the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved 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 medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- D. **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.*

IV. **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. 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.

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 30 day of October, 2015.

Maria Del Pilar Ponce
MARIA DEL-PILAR PONCE, Respondent

Sworn to and subscribed before me this 30th day of October, 2015.

SEAL



Patricia Medina

Notary Public in and for the State of Texas.

Approved as to form and substance.

Jeff B. McDonald
JEFF B. MCDONALD, Attorney for Respondent

Signed this 5th day of November, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of October, 2015, by MARIA DEL-PILAR PONCE, Registered Nurse License Number 661540, and said Order is final.

Effective this 8th day of December, 2015.



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