



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.  
*Patricia A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 794037 §  
issued to MA LUZ T ESPERAL § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MA LUZ T ESPERAL, Registered Nurse License Number 794037, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on Tuesday, September 1, 2015, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person.

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 Iloilo Doctor's School of Nursing, Iloilo City, Philippines, on March 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on November 24, 2010.
5. Respondent's professional nursing employment history includes:
 

12/06 - 11/10	RN	Department of Corrections Columbia, South Carolina
12/10 - 07/11	Unknown	

Respondent's professional nursing employment history continued:

08/11 - 04/14	RN	Memorial Hermann Northwest Hospital Houston, Texas
05/14 - 08/15	RN	Kindred Hospital Houston, Texas
08/15 - Present	RN	Brightstar Home Health Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, and had been in that position for two (2) years and eight (8) months.
7. On or about April 11, 2014, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to create a safe environment for Patient JN in that she left the patient alone, on the ground, with unlicensed personnel, and failed to notify another licensed nurse and/or the patient's physician, after the patient experienced a fall. Respondent's conduct unnecessarily exposed the patient to a risk of harm in that unlicensed personnel do not have the necessary skills and training to assess and intervene for a patient after experiencing a fall. Additionally, Respondent's conduct deprived the patient's physician of information necessary to make informed decisions for further medical care.
8. On or about April 16, 2014, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to assess the surgical site of Patient PT in response to repeated complaints of pain by the patient following a cardiac catheterization. Additionally, upon discovering that Patient PT had developed a large hematoma on her groin, Respondent inappropriately removed the pressure sandbag, instead of holding continuous pressure as instructed by staff from the cardiac catheterization lab. Furthermore, Respondent failed to complete and/or document neurological and cardiac assessments, frequent vital signs, and groin checks for Patient PT. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications associated with cardiac catheterization, including bleeding and infection. Additionally, Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further medical care.
9. On or about April 16, 2014, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to assess Patient BF after receiving the patient from the Intensive Care Unit (ICU), and Respondent failed to document vital signs and/or nursing notes and assessments for the patient throughout her shift. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications, and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further medical care.

10. In response to Findings of Fact Numbers Seven (7) through Nine (9), regarding Patient JN, Respondent admits she decided to leave the patient's room and told the PCA she was going to look for help. Respondent states she went to the nurse's station and couldn't find anybody to help. Respondent states she went back to the patient's room, and saw the x-ray porter and the PCA had already gotten the patient up. Regarding Patient PT, Respondent asserts there was no sandbag noted upon receiving the patient. Respondent states that at around 1300, the charge nurse informed her that the patient was complaining of pain to her right groin. Respondent states she assessed the patient's groin and noticed a hematoma, but still had a good pedal pulse. Respondent states she immediately applied pressure to the site and contacted the heart cath lab. Respondent states the heart cath nurses instructed her to hold pressure and compress the site. Respondent further states that after the heart cath nurses arrived, they said they did not need her, so she left and went to another patient's room. Regarding Patient BF, Respondent admits she did not perform or document an initial assessment or vital signs for this patient due to a fire incident in another patient's room.
11. Formal Charges were filed on February 19, 2015.
12. Formal Charges were mailed to Respondent on February 25, 2015.

#### 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) 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 794037, heretofore issued to MA LUZ T ESPERAL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND 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 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.
- C. **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.
- 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.
- E. **The course "Professional Accountability ....,"** a 5.4 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. **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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not

be satisfied until eight (8) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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.

**E. 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 eight (8) quarters [two (2) years] 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.

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RESPONDENT'S CERTIFICATION

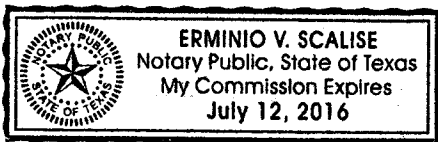
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 8<sup>th</sup> day of December, 2015.  
Ma Luz T Esperal  
MA LUZ T ESPERAL, Respondent

Sworn to and subscribed before me this 8<sup>th</sup> day of December, 2015.

SEAL

[Signature]  
Notary Public in and for the State of TEXAS





WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of December, 2015, by MA LUZ T ESPERAL, Registered Nurse License Number 794037, and said Order is final.

Effective this 8th day of March, 2016.



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