



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

In the Matter of § AGREED
Registered Nurse License Number 640249 §
issued to OFELIA VERONICA ESPINOSA § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that OFELIA VERONICA ESPINOSA, Registered Nurse License Number 640249, 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 February 2, 2016, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Jon Porter, Attorney at Law.

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 The University of Tamaulipas, Adolpho Lopez Mateos, Universidad, Tampico, Mexico in June 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on May 29, 1997.
5. Respondent's nursing employment history includes:

6/1982 - 11/1986	Floor Nurse	Seguro Social Nvo. Laredo Nuevo Laredo, Mexico
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Respondent's nursing employment history continued:

12/1986 - 3/1996	Unknown	
4/1996 - 6/1998	Floor/Charge Nurse	HealthSouth Acute Rehabilitation Conroe, Texas
6/1998 - 5/2000	MDS Coordinator	The Woodlands Health Care Center Long Facility The Woodlands, Texas
5/2000 - 7/2002	Director of Nursing	Beacon Health Long Care Facility The Woodlands, Texas
7/2000 - 6/2005	Care Coordinator	Triumph Healthcare Center Houston, Texas
6/2005 - 7/2008	Ostomy Nurse	MD Anderson Cancer Center Houston, Texas
8/2008 - 11/2010	QA Director	Paramount Healthcare Garden Ridge, Texas
11/2010 - 5/2012	VP of Nursing	HMG The Woodlands, Texas
6/2012 - 5/2013	Regional Director	Cantex Continuing Care Network Carrollton, Texas
6/2013 - 8/2014	Director of Nursing	Touchstone Community Tomball, Texas
9/2014 - 2/2015	Director of Nursing	Legend Oaks Healthcare and Rehabilitation Center Northwest Houston, Texas
3/2015 - Present	Nurse Manager	Acon Healthcare Humble, Texas
6/2015 - Present	PRN Nurse	Regent Skilled Nursing Facility The Woodlands, Texas

6. At the time of the incident, Respondent was employed as a Director of Nursing with Legend Oaks Healthcare and Rehabilitation Center Northwest, Houston, Texas, and had been in that position for two (2) months.

7. On or about December 4, 2014, while employed as the Director of Nursing with Legend Oaks Healthcare and Rehabilitation Center Northwest, Houston, Texas, Respondent failed to supervise the nursing staff on providing necessary interventions after Patient O.K. suffered a fall and began to have a change in condition. Respondent left the facility at 8PM, after the patient had fallen at 4PM, and after the Licensed Vocational Nurse (LVN) completed a fall risk assessment. Respondent did not notify the registered nurse on duty that four (4) hours earlier the patient had fallen. This failure to communicate indirectly led to a LVN not seeking assistance from the registered nurse that evening. The patient subsequently died approximately six (6) hours after Respondent left the facility.
8. On or about December 4, 2014, while employed as the Director of Nursing with Legend Oaks Healthcare and Rehabilitation Center Northwest, Houston, Texas, Respondent documented in the medical record of the aforementioned, Patient O.K., when she documented the patient's assessment at 10:00 PM, including the times the patient's family and physician were notified of the patient's condition, even though Respondent left the facility at 8:00 PM. Respondent's conduct was deceptive and resulted in an inaccurate medical record that exposed the patient unnecessarily to the risk of harm and/or demise in that subsequent care givers would rely on her documentation to provide further care.
9. In response to the incidents in Findings of Fact Numbers Seven (7) through Eight (8), Respondent states she was advised Patient O.K. fell and performed a thirty (30) minute follow-up assessment, which had a finding of "Clear". Respondent states she left the facility at 8:00 PM and the patient had been stable for several hours. Respondent states given the fact that the care nurse was so upset that she could not document at that time, she felt it medically necessary to document what the care nurse had told her. Respondent states she should have indicated she was transcribing what the care nurse had told her. Respondent states she appropriately evaluated Patient O.K. as documented.
10. On or about February 15, 2015, Respondent successfully completed a course in Texas Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.
11. On or about December 2, 2015, Respondent successfully completed a course in Nursing Documentation, which would have been a requirement of this Order.
12. On or about January 7, 2016, Respondent successfully completed a course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
13. Formal Charges were filed on August 12, 2015.
14. Formal Charges were mailed to Respondent on August 17, 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)(B),(1)(D),(1)(P)&(1)(U), and 217.12(1)(C)&(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 640249, heretofore issued to OFELIA VERONICA ESPINOSA.
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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, 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.

IV. 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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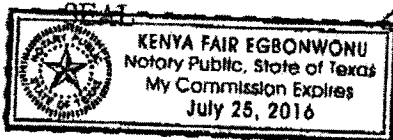
RESPONDENT'S CERTIFICATION

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 31 day of March, 2016.

Ofelia V. Espinosa
OFELIA VERONICA ESPINOSA, Respondent

Sworn to and subscribed before me this 31 day of March, 2016.



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


Approved as to form and substance.

[Signature]
Jon Porter, Attorney for Respondent

Signed this 1 day of April, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of March, 2016, by OFELIA VERONICA ESPINOSA, Registered Nurse License Number 640249, and said Order is final.

Effective this 10th day of May, 2016.



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