



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 Advanced Practice Registered	§	AGREED
Nurse License Number AP114162	§	
& Registered Nurse License Number 505877	§	
issued to RITA A. KUCMIERZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RITA A. KUCMIERZ, Advanced Practice Registered Nurse License Number AP114162 and Registered Nurse License Number 505877, 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 September 16, 2016.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from El Centro College, Dallas, Texas, on December 1, 1982, a Bachelors Degree in Nursing from the University of Texas at Arlington, 1998, and received a Master's Degree in Nursing from The University of Phoenix in 2005. Respondent also received a post-Masters Certificate in Nursing from The University of Texas Southwestern Medical Center, Dallas, Texas, on May 13, 2005. Respondent was licensed to practice professional nursing in the State of Texas on March 18,

1983, and was licensed to practice advanced practice professional nursing in the State of Texas in the role of Women's Health Nurse Practitioner on July 19, 2005.

5. Respondent's nursing employment history includes:

3/1983-3/2011	Unknown	
4/2011-6/2013	Volunteer Women's Health Nurse Practitioner	Women's Health Connection Clinic Palestine, Texas
7/2013-Present	Unknown	

6. At the time of the initial incident, Respondent was providing care as a volunteer Women's Health Nurse Practitioner at the Women's Health Connection Clinic, Palestine, Texas, and had been in that position for eleven (11) months.
7. On or about March 24, 2012, while providing care as a volunteer Women's Health Nurse Practitioner at the Women's Health Connection Clinic, Palestine, Texas, Respondent sent hypertensive Patient S.P. home after a clinic visit with a blood pressure of 225/116 mmHg and failed to refer the patient to the emergency room, per clinic guidelines. Instead, Respondent monitored the patient until the blood pressure normalized, which Respondent failed to document. Respondent's conduct was likely to injure the patient from potentially adverse complications of untreated elevations in blood pressure, including possible demise.
8. On or about March 31, 2012, June 16, 2012, and January 12, 2013, while providing care as a volunteer Women's Health Nurse Practitioner at the Women's Health Connection Clinic, Palestine, Texas, Respondent exceeded her scope of licensure as a Women's Health Nurse Practitioner by creating treatment plans and prescribing medications for male Patient S.G. Respondent's conduct exposed the patient to a risk of harm from care provided without sufficient training.
9. On or about April 27, 2013, while providing care as a volunteer Women's Health Nurse Practitioner at the Women's Health Connection Clinic, Palestine, Texas, Respondent failed to follow up with hypertensive patient S.P. after prescribing a new blood pressure medication to a patient with a blood pressure of 205/113 mmHg. Instead, Respondent monitored the patient until the blood pressure normalized, which Respondent failed to document. Respondent's conduct was likely to injure the patient from potentially adverse complications of untreated fluctuations in blood pressure, including possible demise.
10. On or about November 16, 2013, while providing care as a volunteer Women's Health Nurse Practitioner at Healthlink Family Clinic, Palestine, Texas, Respondent wrote prescriptions for four (4) medications for patients without a supervising physician's contact information on the prescriptions, as required. Respondent's conduct resulted in incomplete prescriptions being submitted to the pharmacy.

11. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she was trained to treat males, females, unborn babies, hypertension, and diabetes in her education program so she did not exceed her scope of practice while working with a physician on site. Respondent states that all patients are treated in rural clinics due to limited provider availability, and adds that there is no gender difference in treating hypertension or diabetes. Respondent states that the Women's Health Connection Clinic is a charity clinic in an under served area providing very basic preventative medical care, pap smears and treatment for sexually transmitted diseases, and ninety (90) percent of the patients were female. Respondent states that there were not staff available to follow up on patients that did not return to the clinic, but there were written protocols in place that volunteers provided to the patients that directed them to return to the clinic and when to go to the emergency room. Respondent adds that many patients never returned or returned months later with elevated blood pressure or blood glucose stating they have been out of their medication for months. In response to Finding of Fact Number Ten (10), Respondent states that the prescriptions did not have a supervising physician name on them due to a misinterpretation of new pharmacy laws which stated that the supervisory physician name would not be placed on medications but only the provider name that saw the patient to eliminate patient confusion. Respondent states that she was not informed by the pharmacy that any correction needed to be made.
12. On or about January 21, 2016, Respondent completed the course Sharpening Critical Thinking Skills, which would have been a requirement of this order.
13. On or about February 1, 2016, through February 15, 2016, Respondent completed the course Professional Accountability & Legal Liability for Nurses, which would have been a requirement of this order.

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)(M),(1)(P)(1)(T),(4)(A)&(4)(B), 217.12(1)(A),(1)(B),(1)(E) &(4), and 222.4(b).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP114162 and Registered Nurse License Number 505877, heretofore issued to RITA A. KUCMIERZ.
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 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 courses **within one (1) year of the effective date 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.

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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within ninety (90) 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 an

advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of thirty-two (32) hours per month for six (6) quarterly periods [one (1) year and six (6) months] of employment. This requirement will not be satisfied until six (6) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse 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 advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order, **EXCEPT while employed as an RN with her current employer, Nurses Healthcare, Farmers Branch, Texas.**

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of up to three (3) Advanced Practice Registered Nurses and/or up to three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers as an APRN are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises the RESPONDENT and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for six (6) quarters [one (1) year and six (6) months] 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

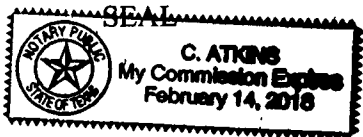
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 16th day of Sept, 20 16.


RITA A. KUCMIERZ, Respondent

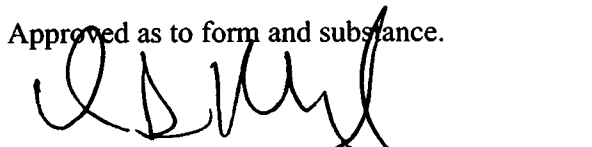
Sworn to and subscribed before me this 16th day of September, 2016.





Notary Public in and for the State of Texas

Approved as to form and substance.


Oscar San Miguel, Attorney for Respondent

Signed this 16th day of Sept, 20 16

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of September, 2016, by RITA A. KUCMIERZ, Advanced Practice Registered Nurse License Number AP114162 and Registered Nurse License Number 505877, and said Order is final.

Effective this 27th day of October, 2016.



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