



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 750804 § FOR
issued to MYRA RODRIGUEZ § KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MYRA RODRIGUEZ, Registered Nurse License Number 750804, 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 28, 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.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas Rio Grande Valley, Edinburg, Texas on December 15, 2007. Respondent was licensed to practice professional nursing in the State of Texas on February 5, 2008.
5. Respondent's nursing employment history includes:

8/2008 - 4/2010	School Nurse	Donna Independent School District Donna, Texas
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Respondent's nursing employment history continued:

6/2009 - 1/2013	Registered Nurse	PSA Healthcare McAllen, Texas
2/2013 - Current	Registered Nurse	Epic Health Services Pharr, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Epic Healthcare, Pharr, Texas, and had been in that position for four (4) years and two (2) months.
7. On or about April 16, 2016, while employed as a Registered Nurse with Epic Health Services, Pharr, Texas, Respondent failed to adequately assess, monitor and intervene in a timely manner when Patient Number 9294 exhibited signs of airway obstruction, choking, turning blue and oxygen desaturation. Instead, the patient's mother suctioned the patient's trach, performed a finger sweep of patient's mouth and removed a plastic cap from a Normal Saline bottle that was left within patient's reach. Respondent's conduct was likely to injure the patient in that appropriate resuscitative and emergency care techniques not performed in a timely manner may result in ineffective lifesaving treatment, possibly resulting in death.
8. On or about April 16, 2016, while employed as a Registered Nurse with Epic Health Services, Pharr, Texas, Respondent failed to notify her Supervisor and Physician when Patient Number 9294 had a four (4) minute seizure as reported by the patient's mother. Respondent's conduct was likely to injure that patient in that the omission placed the patient at risk of ineffective treatment which could result in a delay in the patient's recovery.
9. In response to the Findings of Fact Numbers Seven (7) and Eight (8), Respondent states while she was in the room with the patient and first glanced at the patient, the patient seemed to be bothered, but nothing more when the patient's mother addressed her. Respondent states upon viewing patient a second time, the patient was observed coughing and the mother rushed to patient followed by Respondent. Respondent states the mother began to suction patient's mouth and trach while Respondent propped the patient up so suctioning could be more effective. Respondent states the mother did a finger sweep and pulled out a NS (normal saline) bottle cap. Respondent states the patient's mouth & trach were suctioned again & patient was able to recover on oxygen to 95% and above. Respondent states she was unaware any such item had been within the patient's reach and efforts were made to clean area and remove other potential hazards from patient's reach.

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)(D),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §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 750804, heretofore issued to MYRA RODRIGUEZ.
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. 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 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 31 day of August, 2016.

Myra Rodriguez, RN
MYRA RODRIGUEZ, Respondent

Sworn to and subscribed before me this 31 day of 08, 2016.

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 31st day of August, 2016, by MYRA RODRIGUEZ, Registered Nurse License Number 750804, and said Order is final.

Effective this 27th day of October, 2016.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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