



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.  
*William O'Hanrahan*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 767934	§	
issued to KIMBERLY MALDONADO	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY MALDONADO, Registered Nurse License Number 767934, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of 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 an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on March 5, 2009. Respondent was licensed to practice professional nursing in the State of Texas on May 5, 2009.
5. Respondent's professional nursing employment history includes:

05/09 - 12/11	RN	Christus Santa Rosa Children's Hospital San Antonio, Texas
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12/11 - 04/14	Clinic Coordinator	Christus Santa Rosa Children's Hospital San Antonio, Texas
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Respondent's professional nursing employment history continued:

04/14 - 10/14	RN	Epic Home Health San Antonio, Texas
11/14 - Unknown	Travel RN	American Traveler Staffing Boca Raton, Florida
02/15 - 01/16	RN	Epic Health Services Austin, Texas
02/16 - Present	Unemployed	

6. On or about January 21, 2016, Respondent was issued an AGREED ORDER FOR KSTAR PILOT PROGRAM by the Texas Board of Nursing. Respondent has not successfully completed the terms of this Order. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 21, 2016, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Epic Health Services, Austin, Texas, and had been in that position for seven (7) months.
8. While employed with Epic Health Services, Austin, Texas, in Fall 2015, Respondent was counseled for several patient care incidents, including administering a medication to a patient that was not on the patient's plan of care, failing to timely perform and document an assessment of a patient, making inappropriate comments in front of a five year old patient, picking a patient up early without written authorization from the patient's mother, and inappropriately carrying a patient. Respondent denied putting any patient at risk and asserts that she always acted in her patient's best interests.
9. On or about March 7, 2016, Respondent became non-compliant with the Agreed Order issued to her on January 21, 2016 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to apply to and enroll in the KSTAR Pilot Program. Section III, Part A of the Agreed Order dated January 21, 2016, states in pertinent part:  
  
"RESPONDENT SHALL 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;"
10. In response to Finding of Fact Number Nine (9), Respondent states that she will not be practicing nursing at this time due to health issues.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

### 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),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 767934, heretofore issued to KIMBERLY MALDONADO, 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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 767934, heretofore issued to KIMBERLY MALDONADO, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a

registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

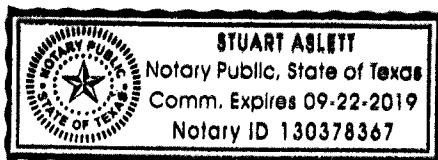
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 13 day of January, 2017.  
Kimberly Maldonado  
KIMBERLY MALDONADO, Respondent

Sworn to and subscribed before me this 13<sup>th</sup> day of January, 2017.

SEAL



Stuart Aslett  
Notary Public in and for the State of Texas

Approved as to form and substance.

Courtney Newton  
Courtney Newton, Attorney for Respondent

Signed this 23<sup>rd</sup> day of January, 2017.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License Number 767934, previously issued to KIMBERLY MALDONADO.

Effective this 23rd day of January, 2017.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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



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

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In the Matter of  
Registered Nurse License Number 767934  
issued to KIMBERLY MALDONADO

§ AGREED ORDER  
§ FOR  
§ KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY MALDONADO, Registered Nurse License Number 767934, 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 October 5, 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 San Antonio College, San Antonio, Texas, on March 5, 2009. Respondent was licensed to practice professional nursing in the State of Texas on May 5, 2009.
5. Respondent's professional nursing employment history includes:

05/09 - 12/11

RN

Christus Santa Rosa Children's Hospital  
San Antonio, Texas

Respondent's professional nursing employment history continued:

12/11 - 04/14	Clinic Coordinator	Christus Santa Rosa Children's Hospital San Antonio, Texas
04/14 - 10/14	RN	Epic Home Health San Antonio, Texas
11/14 - Present	Travel RN	American Traveler Staffing Boca Raton, Florida

6. At the time of the initial incident, Respondent was employed as a travel Registered Nurse with American Traveler Staffing, Boca Raton, Florida, and assigned at St. David's North Austin Medical Center, Austin, Texas, and had been in that position for one (1) month.
7. On or about December 29, 2014, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent acknowledged a physician's order for dextrose 10% water 250ml (D10W) for Patient Number H001387475 at a rate of 6.5ml/hr, but inaccurately documented that the D10W was infusing at a rate of 6 ml/hr. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further care.
8. On or about December 29, 2014, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent incorrectly infused D10W for Patient Number H001385238, at a rate of 3ml/hr, instead of 3.5ml/hr, as ordered by the physician. Additionally, Respondent incorrectly documented that the D10W was infusing at the correct rate of 3.5ml/hr. Respondent's conduct created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further care.
9. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent engaged in unprofessional conduct in that she made an inappropriate comment after a co-worker notified her that the isolette alarm for her patient, Patient Number H001387871, was sounding. Respondent's conduct created a hostile work environment and unnecessarily exposed the patient and the patient's family to risk of verbal and/or emotional abuse.
10. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to use gloves when interacting with

infant Patient Numbers H001387871 and H001387872, including tactile stimulation for a low heart rate. Respondent's conduct unnecessarily exposed the patient to risk of harm from failing to utilize appropriate infection control measures.

11. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to assess, and/or document her assessment of hourly fraction of inspired oxygen (FiO2) readings for Patient Number H001387872, as ordered by the physician. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications and/or Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation on which to base their decisions for further care.
12. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to accurately document that she administered feedings of expressed breast milk with prolact to Patient Number H001387872. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation on which to base their decisions for further care.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent neither admits nor denies the allegations. In order to resolve this matter, Respondent is agreeable to an Agreed 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)(C),(1)(D),(1)(O)&(3) and 217.12(1)(A),(1)(B)&(1)(C).
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 767934, heretofore issued to KIMBERLY MALDONADO.
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.

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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.

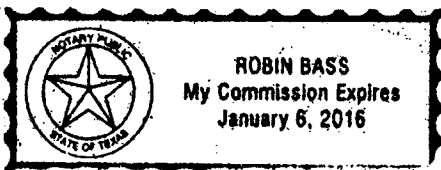
Signed this 20 day of November, 2015.

Kimberly Maldonado

KIMBERLY MALDONADO, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of November, 2015.

SEAL



Robin Bass

Notary Public in and for the State of Texas

Approved as to form and substance.

Courtney Newton  
Courtney Newton, Attorney for Respondent

Signed this 20<sup>th</sup> 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 20th day of November, 2015, by KIMBERLY MALDONADO, Registered Nurse License Number 767934, and said Order is final.

Effective this 21st day of January, 2016.

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

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