



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
Registered Nurse License Number 599840
issued to MAURIE MICHELLE CUNNINGHAM

§ AGREED
§
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MAURIE MICHELLE CUNNINGHAM, Registered Nurse License Number 599840, 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 27, 2017.

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 Diploma in Nursing from Mount Royal College, Calgary, Alberta, Canada on September 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on February 2, 1994.
5. Respondent's nursing employment history includes:

2/1994 - 4/1996

Registered Nurse

Big Bend Regional Medical Center
Alpine, Texas

Respondent's nursing employment history continued:

1/1995 - 6/1995	Registered Nurse	Alpine Valley Care Center Alpine, Texas
4/1996 - 3/2013	Registered Nurse	Medical Center Hospital Odessa, Texas
8/2012 - 2/2016	Registered Nurse	Big Bend Regional Medical Center Alpine, Texas
2/2016 - 3/2016	Registered Nurse	Pecos County Hospital Fort Stockton, Texas
4/2016 – Present	Registered Nurse	Reeves County Hospital Pecos, Texas

6. On or about January 23, 1997, Respondent was issued the sanction of Reprimand with Remedial Education through an Agreed Order issued by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 23, 1997, is attached and incorporated, by reference, as part of this Order.
7. On or about June 10, 2014, Respondent was issued the sanction of Reprimand with Stipulations through an Agreed Order issued by the Board of Nursing for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 10, 2014, is attached and incorporated, by reference, as part of this Order.
8. At the time of the incident, Respondent was employed as a Registered Nurse with Big Bend Regional Medical Center, Alpine, Texas, and had been in that position for three (3) years and seven (7) months.
9. On or about January 26, 2016, while employed as a Registered Nurse with Big Bend Regional Medical Center, Alpine, Texas, Respondent failed to verify the correct medication was withdrawn for administration to Patient Number 146304. The physician ordered Norflex, a pain medication, but Respondent removed Norepinephrine, a medication used for hypotension and heart failure, from the Pyxis and started to administer it to the patient. Consequently, the patient reported immediate chest pain and required transport to another facility for a higher level of care. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the patient received the wrong medication and required additional interventions.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states she went to the medication room and on the Pyxis touch screen touched Norflex. Respondent states the drawer opened, she removed a vial and scanned it. Respondent states she slowly began to administer the medication and immediately stopped and called the doctor when the patient stated she felt bad. Respondent states she and the doctor examined the medication vial and

noticed the error. Respondent states she accidentally had touched the wrong line on the screen.

11. Formal Charges were filed on November 18, 2016.
12. Formal Charges were mailed to Respondent on November 21, 2016.

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)(M) & (3)(A) and 217.12(1)(A), (1)(B), and (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 599840, heretofore issued to MAURIE MICHELLE CUNNINGHAM, 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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. 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.

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.*

V. 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 clinical 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. 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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.

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 3 day of August, 2017.

Maurie Michelle Cunningham
MAURIE MICHELLE CUNNINGHAM, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 3rd day of August, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of August, 2017, by MAURIE MICHELLE CUNNINGHAM, Registered Nurse License Number 599840, and said Order is final.

Effective this 12th day of September, 2017.

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



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
Registered Nurse License Number 599840	§	
issued to MAURIE MICHELLE CUNNINGHAM	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MAURIE MICHELLE CUNNINGHAM, Registered Nurse License Number 599840, 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) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 28, 2013, subject to ratification by the Board.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Diploma in Nursing from Mount Royal College, Calgary, Alberta, Canada on September 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on February 2, 1994.
5. Respondent's professional nursing employment history includes:

05/1993 - 02/1994

RN

Calgary General Hospital
Alberta, Canada

Respondent's professional nursing employment history continued:

02/1994 - 04/1996	RN	Big Bend Regional Medical Center Alpine, Texas
1995 - 1996	RN	Alpine Valley Care Center Alpine, Texas
04/1996 - 02/2013	RN	Medical Center Hospital Odessa, Texas
2011 - 2012	RN	Epic Home Health El Paso, Texas
2012 - 2013	RN	Big Bend Regional Medical Center Alpine, Texas
2013 - present	unknown	

6. On or about January 23, 1997, Respondent was issued the sanction of REPRIMAND WITH REMEDIAL EDUCATION through an Agreed Order issued by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 23, 1997, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Medical Center Hospital, Odessa, Texas, and had been in this position for approximately sixteen (16) years and ten (10) months.
8. On or about February 24, 2013, while employed as a Registered Nurse with Medical Center Hospital, Odessa, Texas, Respondent may have misappropriated Mupirocin ointment, Isopto tears and moisturizing lotion belonging to the facility and patients thereof in that she admitted to taking the Mupirocin ointment, Isopto tears and moisturizing lotion. The facility and/or the patient was likely to incur the cost of the medications and supplies due to Respondent's conduct.
9. In response to the incident outlined in Findings of Fact Number Eight (8), Respondent states rather than pushing a large heavy cart down the hall she placed the bag in her pocket with the intention to put it in the pharmacy return bin. Respondent states that she forgot to drop the bag in the bin. Respondent states she met with human resources and took responsibility for her actions and she should have returned the items to the unit once she had realized she had removed them accidentally from the premises. Respondent states that she apologized for her behavior.

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 §217.12 (1)(B)&(6)(G).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 599840, heretofore issued to MAURIE MICHELLE CUNNINGHAM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/slipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/slipscourses.html>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty

dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. 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 STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer 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 within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers 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 future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the 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 to submit the 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that 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 Findings of Fact, Conclusions of Law, 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of MAY, 2014.Maurie Michelle Cunningham
MAURIE MICHELLE CUNNINGHAM, RESPONDENT

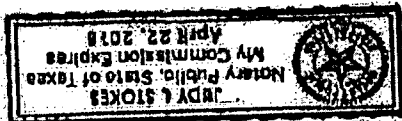
Sworn to and subscribed before me this

day of

SEAL

Notary Public in and for the State of

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for RespondentSigned this 8th day of May, 2014.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of May, 20 14, by MAURIE MICHELLE CUNNINGHAM, Registered Nurse License Number 599840, and said Order is final.

Effective this 10th day of June, 20 14.



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.
Sharon Sanders
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 599840 issued to § AGREED ORDER
MAURIE MICHELLE CUNNINGHAM §

An investigation by the Board produced evidence indicating that MAURIE MICHELLE CUNNINGHAM, hereinafter referred to as Respondent, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on October 10, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Kenneth Lowrance, MS, RN, CS, FNP-C, Board Member; Sharon Sanders, Assistant Attorney General; Anthony L. Diggs, Supervising Investigator; and Patricia A. Cook, Investigator.

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.
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent graduated from a two (2) year nursing program from Mount Royal College, Calgary, Alberta, Canada on September 1, 1993.

5. Respondent's professional employment history includes:

January 3, 1995 - April 7, 1996

Staff Nurse
Big Bend Regional Medical Center
Alpine, Texas

October 16, 1995 - February 12, 1996

Charge Nurse (PRN)
Alpine Valley Care Center
Alpine, Texas

April 8, 1996 - Present

Staff Nurse
Medical Center Hospital
Odessa, Texas

6. At the time of the incident, Respondent was employed as a Weekend PRN Charge Nurse with Alpine Valley Care Center, Alpine, Texas and had been in this position for approximately four (4) months.
7. Respondent, on or about February 10, 1996, accepted an assignment to work the 2:00 p.m. to 10:00 p.m. shift at Alpine Valley Care Center, Alpine, Texas. On this date Respondent was also on call with Big Bend Regional Medical Center Hospital-Home Health Agency, Alpine, Texas.
8. During her 2:00 p.m. to 10:00 p.m. shift assignment at Alpine Valley Care Center, on February 10, 1996, Respondent left the facility for approximately ½ hour, without notifying her immediate supervisor, in order to provide nursing care to one of her Big Bend Regional Medical Center patients. During her absence, Respondent left approximately thirty-eight (38) residents at Alpine Valley Care Center without benefit of licensed nursing care. Respondent's conduct was likely to injure patients relying on Respondent for nursing intervention and treatment.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(13).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 599840, heretofore issued to Maurie Michelle Cunningham.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of Reprimand with Remedial Education, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and this order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to MAURIE MICHELLE CUNNINGHAM, to the office of the Board of Nurse Examiners within ten (10) days of the date of this order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this order, successfully complete a course in Nursing Jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home Study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content should include the Nursing Practice Act, Standards of Practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, that upon full compliance with the terms of this order ,
RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in
the State of Texas.

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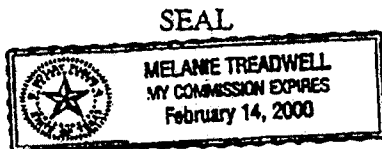
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this order. I neither admit nor deny the violations alleged. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any stipulation of this order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this order. I understand that this order is subject to ratification by the Board. When the order is ratified, the terms of this order become effective, and a copy will be mailed to me. --

Signed this 13 day of December, 19 96

Maurie Michelle Cunningham
MAURIE MICHELLE CUNNINGHAM


Sworn to and subscribed before me this 13th day of December, 19 96



Melanie Treadwell
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners
for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the
13th day of December, 19 96, by MAURIE MICHELLE CUNNINGHAM,
license number 599840, and said order is final.

Effective this 23rd day of January, 19 97.


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



**BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**



Mailing Address:
BOX 140466
AUSTIN, TEXAS 78714

333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701 • 512/305-7400 • Fax: 512/305-7401

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

September 30, 1997

Maurie Michelle Cunningham
806 N. 8 St.
Alpine TX 79830

Dear Ms. Cunningham:

This letter is for your records to clarify the action taken against your nursing license by the Board of Nurse Examiners.

On January 23, 1997, an Agreed Order was issued which imposed the sanction of a Reprimand with Remedial Education. This action did not restrict your employment conditions or work environment. The only requirement for satisfaction of the Order was for you to successfully complete a course in Nursing Jurisprudence.

You completed the required course prior to the Order going into effect. In my letter to you dated January 15, 1997, I indicated that you had met the requirements of the Order which, at that time, was most probably going to be ratified by the Board (this Order went into effect on January 23, 1997). Since you met the requirements of the Order prior to ratification of that Order, your license was not encumbered; essentially, you did what you needed to so that your license would not be stipulated in any manner as a result of the Order.

If further clarification is needed, I may be contacted at (512) 305-6834.

Sincerely,

Korena Schaaf
Investigator
Monitoring

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