



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
FLOR ESMERALDA BOTT,
Registered Nurse License Number 841689
& PETITIONER for Eligibility for Licensure

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AGREED ORDER
FOR
DISCIPLINE &
ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 841689 and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, hereinafter referred to as the Petition, which has been processed as a Petition for Declaratory Order pursuant to 22 Tex. Admin. Code §217.5(f) and §213.30, and supporting documents filed by FLOR ESMERALDA BOTT, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Petitioner waived notice and hearing and agreed to the entry of this Agreed Order for Discipline & Eligibility approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 17, 2018.

FINDINGS OF FACT

1. On or about November 14, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 Tex. Admin. Code §217.5(f) and §213.30.
2. Petitioner received an Associate Degree in Nursing from Brazosport College, Lake Jackson, Texas, on May 1, 2013, and received a Master's Degree in Nursing from the Family Nurse Practitioner Program at The UTHealth School of Nursing, Houston, Texas, in December 2018. Petitioner was licensed to practice professional nursing in the State of Texas on July 25, 2013.

3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status.
4. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order.
5. Petitioner's nursing employment history includes:

8/2013 – 6/2014	Registered Nurse	Colonnades at Reflection Bay Pearland, Texas
4/2014 – 6/2014	Registered Nurse	St. Joseph Medical Center – The Heights Houston, Texas
6/2014 – 11/2017	Registered Nurse	Memorial Herman Memorial City Medical Center Houston, Texas
8/2017 – 5/2018	Registered Nurse	Houston Methodist Hospital Houston, Texas
6/2018 – Present	Registered Nurse	Texas Pain Physicians Pearland, Texas
7/2018 – Present	Registered Nurse	Memorial Hermann Central Staffing Houston, Texas

6. At the time of the initial incident, Petitioner was employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, and had been in that position for six (6) months.
7. On or about February 23, 2018, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent falsely documented the administration of 2mg (2 milligrams) of Hydromorphone in the Medication Administration Record (MAR) for Patient ID 2100047708813 in that Respondent wasted the entire Hydromorphone 15mg syringe. Respondent's conduct created an inaccurate medical record and failure to administer medication as ordered by the physician could have resulted in non-efficacious treatment.

8. On or about March 25, 2018, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew one (1) syringe of Morphine 2mg from the medications dispensing system for Patient ID 2100049148165, but failed to document and/or completely and accurately document the administration of the medication in the patient's Medication Administration Record (MAR) and/or nurses' notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about March 25, 2018, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent withdrew one (1) syringe of Morphine 2mg from the medications dispensing system for Patient ID 2100049148165, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. In response to Findings of Fact Number Seven (7) through Nine (9), Respondent states when it comes to patient safety and medication administration she takes much caution to ensure safe medication preparation and administration and practices the seven (7) rights of medication administration. Respondent states no patient harm came from her actions.
11. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
14. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about November 14, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257,

and 301.260, Texas Occupations Code, and the Board's Rules at 22 Tex. Admin. Code §217.5(f) and §213.30.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(10)(B),(10)(C)&(11)(B).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
7. 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 PETITIONER SHALL receive the sanction of **REMEDIAL EDUCATION** and the petition for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is **GRANTED**, and upon payment of the required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas, in accordance with the terms of this Order.

- A. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, PETITIONER 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, PETITIONER 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, PETITIONER 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 and video programs will not be approved.

- B. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires PETITIONER to successfully complete both the didactic and clinical portions of the course.
- C. 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.
- D. 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 these courses, PETITIONER 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. PETITIONER 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. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

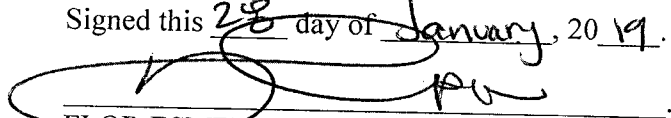
I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 et seq., Texas Occupations Code, and 22 Tex. Admin. Code §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

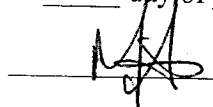
Signed this 28th day of January, 2019.



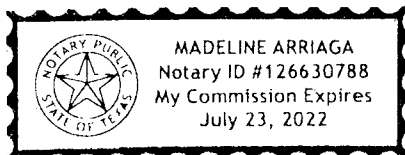
FLOR ESMERALDA BOTT, Petitioner

Sworn to and subscribed before me this 28th day of January, 2019.

SEAL



Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Discipline & Eligibility that was signed on the 28th day of January, 2019, by FLOR ESMERALDA BOTT, Registered Nurse License Number 841689 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 30th day of January, 2019.



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