



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 914209  
issued to MERRI LOU GUZAITIS

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AGREED ORDER  
FOR  
DEFERRED DISCIPLINE &  
KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MERRI LOU GUZAITIS, Registered Nurse License Number 914209, 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 Agreed Order for Deferred Discipline & KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 9, 2019.

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 Agreed Order for Deferred Discipline & KSTAR Program.
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 Tarrant County Jr College, Fort Worth, Texas, on December 1, 2016, and received a Baccalaureate Degree in Nursing from Texas Tech University Health Sciences Center, Lubbock, Texas, on December 16, 2017. Respondent was licensed to practice professional nursing in the State of Texas on January 19, 2017.

5. Respondent's nursing employment history includes:

1/2017 – 4/2017	RN	LifeCare Hospital of Fort Worth Fort Worth, TX
5/2017 – Present	RN	DaVita Kidney Care Denton, TX

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with LifeCare Hospital of Fort Worth, Fort Worth, Texas, and had been in that position for three (3) months.
7. On or about April 9, 2017, while employed as a Registered Nurse with LifeCare Hospital of Fort Worth, Fort Worth, Texas, Respondent failed to promote a safe environment in that she did not utilize two (2) patient identifiers prior to administering medications to Patient Medical Record Number 16261. Consequently, she wrongfully administered Aspirin 81mg, Wellbutrin IR 100mg, Merrem 500mg IV, and Promatine 5mg to said patient. Respondent's conduct unnecessarily exposed her patients to a risk of harm from inappropriately administered medications.
8. On or about April 9, 2017, while employed as a Registered Nurse with LifeCare Hospital of Fort Worth, Fort Worth, Texas, Respondent failed to verify a new physician's order for Novolog Insulin reported during handoff with the medical record before attempting to administer the medication to Patient Medical Record Number 15996. When the patient questioned and refused the medication, Respondent realized the medication was not ordered to be given until the next day. Respondent's conduct exposed the patient to a risk of harm in that extra insulin could have caused the patient's glucose levels to become dangerously low.
9. In response to Findings of Fact Number Seven (7), Respondent states this was her first employment and experience as a new nurse. Respondent states she never witnessed a LifeCare nurse ask for a patient's name and date of birth before giving medications. However, Respondent acknowledges accountability for her actions. Respondent further states LifeCare lacked basic safety equipment, such as scanners, that other facilities have to prevent this type of error. In response to Finding of Fact number eight (8), Respondent states she received this patient mid-day from her preceptor, who told her the patient had a new order for insulin that needed to be given. Respondent states she now always checks orders, personally.

## 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) and 22 TEX. ADMIN. CODE §217.12(1)(A), &(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 914209, heretofore issued to MERRI LOU GUZAITIS.
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, DEFERRED**, 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT 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, 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order for Deferred Discipline & KSTAR Program.

Further, RESPONDENT SHALL not commit any violation of 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.* for a period of three (3) years from the date of this Order.

## III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. Within forty-five (45) days following the effective date of this Order, apply to and enroll in the KSTAR 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 Program; and
- E. Provide written documentation of successful completion of the KSTAR 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 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. **EFFECT OF DEFERRED DISCIPLINE**

Upon successful completion of the stipulated requirements of this Agreed Order for Deferred Discipline & KSTAR Program, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

Upon the successful completion of the required three (3) year period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

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**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of September 20 19.

M. Guzaitis  
MERRI LOU GUZAITIS, 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~~ purpose

Nancy Roper Willson  
Nancy Roper Willson, Attorney for Respondent

Signed this 9th day of September 20 19.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline & KSTAR Program that was signed on the 9th day of September, 2019, by MERRI LOU GUZAITIS, Registered Nurse License Number 914209, and said Agreed Order for Deferred Discipline & KSTAR Program is final.

Effective this 24th day of October, 2019.



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