



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.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 811200 §
issued to KAYSHA MARIE APODACA §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KAYSHA MARIE APODACA, Registered Nurse License Number 811200, 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 approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 20, 2020.

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.
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 Excelsior College-Ad, Albany, New York, on August 20, 2010. Respondent was licensed to practice professional nursing in the State of Texas on December 13, 2011.
5. Respondent's nursing employment history includes:

12/2011 – 2012	RN	Heart Hospital of Austin Austin, Texas
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Respondent's nursing employment history continued:

2012 – 2016	RN	Kaysha Apodaca, LLC. Elgin, Texas
2016 – 2017	RN	Texas Health Resources Emergency Rooms Lewisville, Texas
2016 – Unknown	RN	Baylor Scott and White Medical Center – White Rock Dallas, Texas
03/2018 – 09/2019	RN	Dallas Medical Center Dallas, Texas
10/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Dallas Medical Center, Dallas, Texas, and had been in that position for one (1) year and six (6) months.
7. On or about September 25, 2019, while employed as a Registered Nurse with Dallas Medical Center, Dallas, Texas, Respondent violated the privacy and confidentiality of patients in that she took photographs of patients and uploaded the photos to a social media account that she created and owned, representing Dallas Medical Center as the Emergency Medical Services Liaison. Furthermore, Respondent failed to obtain written authorization from the patients allowing her to post their photographs with diagnosis. Respondent's conduct exposed the patients unnecessarily to a risk of harm by disclosing their confidential medical information without their written authorization and placed the facility in violation of HIPAA (The Health Insurance Portability and Accountability Act).
8. In response to Finding of Fact Number Seven (7), Respondent states she was hired in March 2018, in marketing, at Dallas Medical Center as their Emergency Medical Services' Liaison. She states she was hired and paid as an unlicensed administrative staff. She states she met with the CEO, the business development director, and community marketing director, once a month. She states they would discuss marketing and engagement opportunities and one of those meetings she talked about and asked permission to start and administer a business Instagram page marketing the hospital to our EMS providers. She states while she administered the page, the CEO, the business development director, community marketing director, and ED Director, were not only aware of the page but active participants. Respondent states the hospital's Instagram page, DMCEMS, was operational for over 14 months with the full knowledge of hospital leadership and at no point was she given marketing media guidelines.

9. Formal Charges were filed on January 30, 2020.

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)(E) and 22 TEX. ADMIN. CODE §217.12(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 811200, heretofore issued to KAYSHA MARIE APODACA.
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 **REMEDIAL EDUCATION WITH FINE** 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.

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 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.
- C. **The course "Patient Privacy,"** a 5.4 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. **MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of the effective date 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.

VI. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 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 31 day of March, 2020.

Kaysha Apodaca
KAYSHA MARIE APODACA, RESPONDENT

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

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of March, 2020, by KAYSHA MARIE APODACA, Registered Nurse License Number 811200, and said Agreed Order is final.

Effective this 3rd day of April, 2020.



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