



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 § AGREED ORDER  
Registered Nurse License Number 951287 § FOR  
issued to ALYSSA MARIE CUNNINGHAM § KSTAR PROGRAM  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALYSSA MARIE CUNNINGHAM, Registered Nurse License Number 951287, 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 KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 15, 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 for KSTAR Program.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Grand View College, Des Moines, Iowa, on December 1, 2016. Respondent was licensed to practice professional nursing in the State of Texas on August 3, 2018.

5. Respondent's nursing employment history includes:

8/2018 – 12/2018	Registered Nurse	JPS Health Network Emergency Department Fort Worth, Texas
Unknown – Present	Registered Nurse	Baylor University Medical Center Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with JPS Health Network Emergency Department, Fort Worth, Texas, and had been in that position for four (4) months.
7. On or about December 15, 2018, while employed as a Registered Nurse with JPS Health Network Emergency Department, Fort Worth, Texas, Respondent inaccurately documented verbal orders for Fentanyl 100mcg for Patient Number 78175832/51413296 in that the provider intended for the dosage to be 50mcg at the time and 50mcg later, if needed. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient.
8. On or about December 15, 2018, while employed as a Registered Nurse with JPS Health Network Emergency Department, Fort Worth, Texas, Respondent inaccurately documented verbal orders for Promethazine 25mg for Patient Number 78175496/7334519 without provider authorization in that Respondent received the verbal order from a provider not assigned to the patient and who had not seen the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patients. In addition, Respondent's conduct was likely to injure the patient in that the administration of medications without a valid physician's order could result in the patient's suffering from adverse reactions.
9. On or about December 15, 2018, while employed as a Registered Nurse with JPS Health Network Emergency Department, Fort Worth, Texas, Respondent withdrew one (1) injection of Promethazine 25mg from the medication dispensing system for Patient Number 78175496/7334519, but either inaccurately documented the administration or wastage of the medication by documenting administration of 25mg of the medication with wastage of 25mg. 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 further medicate the patient.
10. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she received both orders verbally from one of the two Family Nurse Practitioners (FNP) working in her area. Respondent states she administered the Fentanyl as the FNP instructed. Respondent admits she did not realize the patient she ordered the Promethazine for was assigned to the other FNP until the other FNP approached her and advised her of her error.

Respondent states no harm came to the patients. Respondent states she does not remember returning the medication.

11. First Amended Formal Charges were filed on April 1, 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)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(10)(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 951287, heretofore issued to ALYSSA MARIE CUNNINGHAM.
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. 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 KSTAR Program.

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

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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**

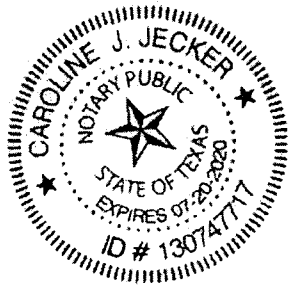
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action 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 18 day of May, 2020.

Alyssa Marie Cunningham  
ALYSSA MARIE CUNNINGHAM, RESPONDENT

Sworn to and subscribed before me this 18 day of May, 2020.

SEAL



Caroline Jecker

Notary Public in and for the State of Texas

Approved as to form and substance.

YTA 05/18/2020  
Yong An, Attorney for Respondent

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 18th day of May, 2020, by ALYSSA MARIE CUNNINGHAM, Registered Nurse License Number 951287, and said Agreed Order for KSTAR Program is final.

Effective this 9th day of June, 2020.



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