



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 639346
issued to CHARITO ECARMA

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHARITO ECARMA, Registered Nurse License Number 639346, 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 September 20, 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.
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 Remedios Trinidad Romualdez Medical Foundation, Tacloban, Philippines, on April 9, 1990. Respondent was licensed to practice professional nursing in the State of Florida on September 8, 1995, and was licensed to practice professional nursing in the State of Texas on April 8, 1997.
5. Respondent's nursing employment history includes:

4/1990 – 6/1991

Unknown

Respondent's nursing employment history continued:

7/1991-12/1991	Public Health Nurse	Balangiga, Eastern Samar, Philippines
12/1991-4/1992	Clinical Instructor	Holy Infant College of Midwifery Tacloban, Leyte, Philippines
5/1992-3/1994	Unknown	
4/1994-2/1995	Staff Nurse	Provincial Hospital Palo, Leyte, Philippines
3/1995-9/1995	Unknown	
10/1995-7/1996	Registered Nurse	Heartland of Zephyrhills Zephyrhills, Florida
8/1996-10/1996	Unknown	
11/1996-9/1997	Registered Nurse	Liberty-Dayton Hospital Liberty, Texas
10/1997	Unknown	
11/1997-7/2002	Registered Nurse	The Palace at Kendall Nursing and Rehabilitation Center Miami, Florida
7/2002- Present	Registered Nurse	McAllen Medical Center McAllen, Texas
6/2012-5/2016	Registered Nurse	Mission Medical Regional Center Mission, Texas
5/2016-Present	Registered Nurse	A Best International Placement Services McAllen, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with McAllen Medical Center, McAllen, Texas, and had been in that position for sixteen (16) years and seven (7) months.

7. On or about February 21, 2019, while employed as a Registered Nurse with South Texas Health System and working at McAllen Medical Center, McAllen, Texas, Respondent failed to have a second Registered Nurse review the fetal monitoring strip of Patient K.M prior to discontinuing the external fetal monitor, per policy. The patient was twenty-seven weeks pregnant and experiencing lower abdominal pain with vaginal discharge. Respondent incorrectly identified the pattern of preterm labor as occasional contractions with uterine irritability, and the patient was discharged from the hospital while in preterm labor. Respondent's conduct was likely to injure the patient and fetus from a lack of appropriate nursing and medical care.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she had not verified that the charge nurse had reviewed the fetal strip prior to the patient's release. Respondent states that she and the charge nurse had reviewed the patient strip and had discussed the fetal heart tracing. Respondent states that the charge nurse was fully aware that the plan of care for the patient included IV hydration prior to patient discharge. Respondent reports that when the patient was discharged from the unit, there was fetal heart tone and no evidence of fetal distress as confirmed on the fetal heart tracing. Respondent states that the patient presented to the hospital with a complaint of abdominal pain and upon her discharge the patient denied any presence of abdominal pain/discomfort even with the presence of the contractions on the monitor. Respondent states that there is no evidence indicating when, after discharge, the patient experienced abdominal discomfort.

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)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(B).
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 639346, heretofore issued to CHARITO ECARMA.
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. 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. **A Board-approved course in "Advanced Fetal Monitoring"** that shall be at least 8 contact hours in length and must be approved by the Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN).

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. **Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency, with the exception of Respondent's employment as a Registered Nurse with A Best International Placement Services, McAllen, Texas, provided they can assign quarterly contracts that span at least three (3) months at a time. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited, with the exception of Respondent's employment as a Registered Nurse with McAllen Medical Center, McAllen, Texas, and A Best International Placement Services, McAllen, Texas. Should Respondent's employment with McAllen Medical Center, McAllen, Texas, or A Best International Placement Services, McAllen, Texas, cease or change, multiple employers are prohibited.

- D. **Incident Reporting:** For the remainder of the stipulation/probation period, 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.
- E. **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 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

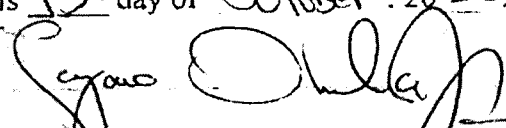
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action 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 13TH day of October, 2020.


CHARITO ECARMA, RESPONDENT

Sworn to and subscribed before me this 13TH day of October, 2020.

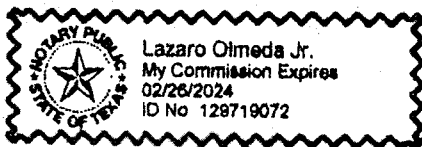
SEAL


Notary Public in and for the State of Texas

Approved as to form and substance.


Fabian Guerrero, Attorney for Respondent

Signed this 13TH day of October, 2020.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of October, 2020, by CHARITO ECARMA, Registered Nurse License Number 639346, and said Agreed Order is final.

Effective this 10th day of November, 2020.

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