

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Registered Nurse License Number 508430	§	
issued to MYRNA MOSQUERA ABRIAN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MYRNA MOSQUERA ABRIAN, Registered Nurse License Number 508430, 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 August 21, 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 a Baccalaureate Degree in Nursing from San Juan De Dios College School of Nursing, Pasay City, Philippines, on March 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.
5. Respondent's nursing employment history includes:

8/1983 – 08/1986	Registered Nurse	Lutheran General Hospital San Antonio, Texas
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Respondent's nursing employment history continued:

09/1986 – 03/2019	Registered Nurse	CHRISTUS Santa Rosa Medical Center San Antonio, Texas
03/2019 – 01/2020	Registered Nurse	University Hospital San Antonio, Texas
02/2020 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with University Hospital, San Antonio, Texas, and had been in that position for ten (10) months.
7. On or about January 6, 2020, while employed as a Registered Nurse with University Hospital, San Antonio, Texas, Respondent withdrew four (4) Dilaudid 2mg tablets, total of 8mg, from the Pyxis medication dispensing system for Patient Number 22093754 and administered them to the patient, which is in excess dosage of the physician's order. The physician's order was for Dilaudid 4mg every three (3) hours as needed for pain. Additionally, Respondent only documented that two (2) Dilaudid tablets were pulled from the Pyxis medication dispensing system and administered in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, although she admitted to administering all four (4) Dilaudid tablets. Respondent's conduct was likely to injure the patient in that the administration of medication in excess dosage of the physician's orders could result in the patient suffering from adverse reactions. Additionally, Respondent's conduct created an inaccurate medical record, and placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she pulled four (4) tablets of Dilaudid for Patient Number 22093754, instead of two (2) tablets, thinking one (1) tablet was 1mg. Respondent states that she was in a hurry and did not pay attention to the prompt screen in the Pyxis. Respondent states that she only scanned two (2) tablets, which is all the patient can have, but administered all four (4) tablets to the patient. Respondent states that had she scanned the other two (2) tablets, it would have prompted her that she's over the dose and caught her error.

#### 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), (1)(C),(4),(10)(B)&(11)(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 508430, heretofore issued to MYRNA MOSQUERA ABRIAN.
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** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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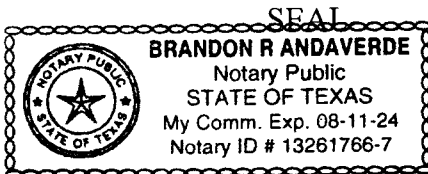
### RESPONDENT'S CERTIFICATION

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 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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 2<sup>nd</sup> day of October, 2020.

Myrna Mosquera Abrian  
MYRNA MOSQUERA ABRIAN, RESPONDENT

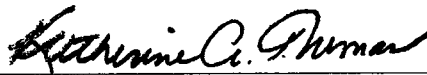
Sworn to and subscribed before me this 2<sup>nd</sup> day of October, 2020.



[Signature]  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2<sup>nd</sup> day of October, 2020, by MYRNA MOSQUERA ABRIAN, Registered Nurse License Number 508430, and said Agreed Order is final.

Effective this 10<sup>th</sup> day of November, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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